

CHARLES WALL 5/18/2020

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARK GULLET,  
  
Plaintiff,  
  
vs.  
  
CITY OF SAINT LOUIS, MISSOURI,  
ET AL.,  
  
Defendants.

)  
)  
)  
)  
) Cause No. 4:18-cv-00308-JCH  
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VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF CHARLES WALL

14 Taken on behalf of Plaintiff

15 May 18, 2020

18                                   ALARIS LITIGATION SERVICES  
  711 N. 11TH STREET  
19                                   ST. LOUIS, MO 63101  
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ALARIS LITIGATION SERVICES

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3

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5 The original exhibits were retained by the court reporter  
6 to be attached to COUNSELS' transcripts.

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1 A P P E A R A N C E S

2

FOR THE PLAINTIFF VIA VIDEOCONFERENCE:

3

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18

19

20 VIDEOPHOTOGRAPHER:

21

22

23 REPORTED BY:

24

25

REBECCA L. TUGGLE, RPR, CCR, CSR  
Alaris Litigation Services

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1 VIDEOGRAPHER: Okay. We are on the record.  
2 Today's date is May 18, 2020, and the time is  
3 9:01 a.m. This is the video-recorded deposition of  
4 Charles Wall, in the matter of Mark Gullet versus City  
5 of St. Louis, et al., Case Number 4:18-cv-00308-JCH,  
6 in the United States District Court, Eastern District  
7 of Missouri, Eastern Division.

8 This deposition is being held over video  
9 conference. The reporter's name is Rebecca Tuggle.  
10 My name is Matt Youmans. I am the legal videographer.  
11 We are with Alaris Litigation Services.

12 Would the attorneys present please introduce  
13 themselves and the parties they represent.

14 MR. WYRSCH: James Wyrsh on behalf of  
15 plaintiff.

16 MR. KHAZAELI: Javad Khazaeli on behalf of  
17 plaintiff.

18 MS. DRAKE: Kiara Drake on behalf of  
19 plaintiff.

20 MS. HANLON: Maureen Hanlon on behalf of  
21 plaintiff.

22 MR. LAIRD: And Brandon Laird on behalf of  
23 Defendant City of St. Louis.

24 MS. DUNCAN: Abby Duncan for defendants.

25 MS. BRUYNS: Megan Bruyns on behalf of

1 defendants.

2 MS. RAIMONDO: Amy Raimondo on behalf of  
3 defendants.

4 VIDEOGRAPHER: Thank you. Would the court  
5 reporter please swear in the witness and we may  
6 proceed.

7 IT IS STIPULATED AND AGREED by and between  
8 counsel for the Plaintiff and counsel for the  
9 Defendants that the videotaped videoconference  
10 deposition of CHARLES WALL may be taken in shorthand by  
11 Rebecca L. Tuggle, a Registered Professional Reporter,  
12 Certified Court Reporter, and Certified Shorthand  
13 Reporter, and afterwards transcribed into typewriting,  
14 and the signature of the witness is reserved by  
15 agreement of counsel and the witness.

16 \* \* \* \* \*

17 CHARLES WALL,  
18 of lawful age, being produced, sworn, and examined on  
19 the part of the Plaintiff, and after responding "Yes"  
20 to the oath administered by the court reporter, deposes  
21 and says:

22 \* \* \* \* \*

23 EXAMINATION

24 QUESTIONS BY MR. WYRSCH:

25 Q Good morning. Can you state your name for

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1 the record?

2 A Charles Wall.

3 Q Good morning. My name is Jim Wyrsh. I  
4 represent the plaintiff in -- or plaintiffs in this  
5 case. My understanding is you've been chosen to --  
6 designated on a 30(b)(6) deposition; is that correct?

7 A Yes.

8 Q This is my first time doing this by video so  
9 we may have some technical issues as we go along. I'm  
10 using headphones. Can you hear me okay?

11 A Yes, I can.

12 Q Okay. If at any point you can't hear me,  
13 let me know. Otherwise, I'll assume you've heard and  
14 understood the question.

15 I'm going to show you what we're going to  
16 mark as Exhibit Number 97.

17 (Exhibit 97, Notice of Deposition, was  
18 marked for identification.)

19 Q (By Mr. Wyrsh) I can't see what's being  
20 shown, but I'm hoping it's the Second Amended Notice  
21 of Videotaped Deposition.

22 A Yes, that's what it appears to be.

23 Q Okay. I'm going to scroll down. There are  
24 one, two, three, four, five, six, seven, eight, nine  
25 topics. Do you see those?

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1 A Yes.

2 Q Are you going to be testifying as to all  
3 nine topics today?

4 A Yes.

5 Q You've reviewed this deposition notice?

6 A I have.

7 Q Okay. I'm going to start with deposition  
8 topic number 4, which is the visual identification,  
9 including name and other identifi- -- identifying  
10 information of all individual SLMPD officers visible  
11 in a number of video clips.

12 Were you provided those video clips?

13 A I was.

14 (Exhibit 36, Video, was marked in a  
15 previous deposition and now identified  
16 for the record.)

17 Q (By Mr. Wyrsh) I'm showing you now what has  
18 been previously marked as Exhibit 36. Are you  
19 familiar with this --

20 A I am.

21 Q Do I understand this correctly to be a GoPro  
22 video that was recorded by Sergeant Karnowski?

23 A Correct.

24 Q And who is Sergeant Karnowski?

25 A He's a sergeant with the police department

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1 currently assigned to District 4. And during the  
2 events here, he was assigned to the bicycle response  
3 team.

4 Q Looking at the very beginning of this video,  
5 I know it's a bit blurry, but do -- can you identify  
6 any of the officers in the video at the beginning?

7 A Without the video playing it's difficult,  
8 but I believe -- if you look at the officer who's in  
9 standard uniform -- I guess furthest to the right.  
10 Yes, that officer there that you just had your mouse  
11 over. Appears to be an African-American officer in  
12 standard uniform.

13 Q This person right here?

14 A Correct.

15 Q Okay.

16 A I believe -- without watching the video play  
17 and just looking at the still image here, I believe  
18 that that is Officer Jarred Thacker, T-h-a-c-k-e-r.

19 Q Thank you. And -- and do you know who this  
20 is here?

21 A No.

22 Q Do you know who this is?

23 A No.

24 MR. WYRSCH: I'm going to go ahead and have  
25 a screen shot made. Someone's going to have to track



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1 these exhibits. But we'll have the screen shot.

2 Q (By Mr. Wyrsh) This is Officer Thacker;  
3 correct?

4 A Correct.

5 MR. WYRSCH: Mark that as Exhibit 98.

6 (Exhibit 98, Screen Shot, was marked  
7 for identification.)

8 VIDEOGRAPHER: That one's been saved.

9 MR. WYRSCH: All right. Thank you. And I'm  
10 going to play the video.

11 (The video was played.)

12 Q (By Mr. Wyrsh) All right. The -- right  
13 here, what -- can you identify what the spotlight is  
14 on right now?

15 A It appears to be on one of our larger  
16 canisters of mace or pepper spray.

17 Q And do you know who is holding that  
18 canister?

19 A It appears to be Sergeant Karnowski.

20 Q You say it appears to be. In preparation  
21 for this deposition, did you talk with Officer  
22 Karnowski?

23 A Yes.

24 Q All right. I mean, and is it confirmed that  
25 that is him --

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1           A     Yes. Yes, it is him.

2           MR. WYRSCH: Off the record for a second.

3           VIDEOGRAPHER: Going off the record. The  
4 time is 9:09.

5           (Whereupon, a short break was taken.)

6           VIDEOGRAPHER: Going back on the record.  
7 The time is 9:10.

8           Q     (By Mr. Wyrsh) Pausing here, do -- do you  
9 know the identity of either of these two officers --

10          A     I do not.

11          Q     Sound coming through?

12          A     Yes.

13                   (The video was played.)

14          Q     (By Mr. Wyrsh) Okay. Just to the right  
15 here, you see a cloud of pepper spray?

16          A     Yes.

17          Q     Rewind a little bit. Over here you see the  
18 stream of pepper spray?

19          A     Correct.

20          Q     Okay. Do you know who -- who -- who  
21 released that pepper spray into the crowd?

22          A     I do not.

23          Q     You don't know who that person is?

24          A     Correct, I do not.

25          Q     Okay. In your preparation for this

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1 deposition, did you ask anyone who that person was?

2 A Yes, I've asked several people.

3 Q And no one knows who that is?

4 A Correct.

5 Q These two officers right here in the screen,  
6 do you know who this person is?

7 A From this angle, no.

8 Q This officer right here?

9 A No.

10 Q Does that help?

11 A Yes. The officer that you're highlighting  
12 now is Sergeant James Murphy.

13 Q And this person?

14 A I still don't know the identity of that  
15 individual.

16 MR. WYRSCH: I'm going to ask a screen shot  
17 to be made of Officer James Murphy where the spotlight  
18 is and mark that as Exhibit 99.

19 (Exhibit 99, Screen Shot, was marked  
20 for identification.)

21 VIDEOGRAPHER: It's been done.

22 MR. WYRSCH: Let me go back to the -- all  
23 right. And I'm just going to mark here again the  
24 spray that we talked about previously. Can you take a  
25 screen shot of that as Exhibit 100?

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1 (Exhibit 100, Screen Shot, was marked  
2 for identification.)

3 Q (By Mr. Wyrsh) And it's your testimony that  
4 you do not know who the person is that spray -- that  
5 sent that spray into the crowd?

6 A Correct.

7 (The video was played.)

8 Q (By Mr. Wyrsh) And where my spotlight is  
9 here, is -- can you identify this officer here?

10 A I believe that that is Officer Thacker  
11 again.

12 MR. WYRSCH: Now is that being screen  
13 shotted also, Exhibit 101?

14 (Exhibit 101, Screen Shot, was marked  
15 for identification.)

16 (The video was played.)

17 Q (By Mr. Wyrsh) Stopping here, do you  
18 recognize either of the officers in this photo?

19 A Specifically -- okay. I believe the officer  
20 with the white short sleeves, and maybe if the video  
21 played a little bit longer, I'd -- I'd be able to  
22 confirm that, but I believe that that may be  
23 Lieutenant Joyner, James Joyner.

24 (The video was played.)

25 Q (By Mr. Wyrsh) We'll go back to that in a

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1 second, but these three officers?

2 A I could tell you that the officer with the  
3 white short-sleeved shirt that you're highlighting  
4 now, that's Lieutenant Scott Aubuchon.

5 Q Okay. And how about the person in the --  
6 MR. WYRSCH: Let's do a screen shot there,  
7 102.

8 (Exhibit 102, Screen Shot, was marked  
9 for identification.)

10 VIDEOGRAPHER: Good.

11 Q (By Mr. Wyrsh) All right. The person in  
12 the middle here where my pointer is now?

13 A I can't tell.

14 Q All right. I have to ask. You're saying  
15 you can't tell. In -- in preparation for the  
16 deposition, did you look at this video?

17 A I've looked at many different videos. I'm  
18 able to identify individuals possibly on one video  
19 that I can't identify on another.

20 Q Okay. What about this person here?

21 A No.

22 (The video was played.)

23 Q (By Mr. Wyrsh) Is there anyone in this  
24 video you recognize?

25 A If you're able to go back just a few frames,

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1 I believe the -- so there the officer with the white  
2 shirt -- there, yes -- that is Lieutenant Paul  
3 Piatchek.

4 MR. WYRSCH: Screen shot, 103.

5 (Exhibit 103, Screen Shot, was marked  
6 for identification.)

7 MR. WYRSCH: Off the record one moment.

8 VIDEOGRAPHER: Going off the record. The  
9 time is 9:17.

10 (Whereupon, a short break was taken.)

11 VIDEOGRAPHER: Going back on the record.  
12 The time is 9:18.

13 (Exhibit 85, Police Report, was marked  
14 in a previous deposition and now  
15 identified for the record.)

16 Q (By Mr. Wyrsh) All right. I'm going to  
17 show you what we previously marked as Exhibit 85. Do  
18 you recognize this document?

19 A I'm not seeing anything other than the four  
20 attorneys. Okay. Yes, that's the police report.

21 Q Okay. Just want to bring your attention,  
22 this is page 146 of the police report. Can you read  
23 this section from where you are?

24 A I -- it's difficult to make out. I guess I  
25 could get up and get closer to the screen, but it's my

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1 understanding that it appears to be Lieutenant Scott  
2 Aubuchon's statement regarding his use of mace.

3 Q Okay. Is -- is -- perhaps I misunderstood,  
4 but is -- is that not the mace that we saw that you  
5 couldn't identify?

6 A It's unclear to me. In speaking with  
7 Lieutenant Aubuchon, he indicates that he believes  
8 that what he's describing here in the narrative of the  
9 police report occurred previously, possibly further  
10 east on Washington. And it was captured -- or I'm  
11 sorry -- not captured on the video. We sat and  
12 watched the video together and he indicated that he  
13 did not believe that that was him dispensing mace at  
14 that time.

15 Q Okay. When did -- when did that supposedly  
16 occur?

17 A When did what supposedly occur?

18 Q Lieutenant Aubuchon -- you said it happened  
19 before the incident that's in the camera. When --  
20 when was it supposed to occur?

21 A Possibly just prior to that. It's unclear  
22 to me. But his statement in the police report, I  
23 believe, describes -- and I -- I -- I suppose I could  
24 get up and read it. I -- I don't remember exactly how  
25 he described the individual that he directed his mace

1     towards, but in watching the video, he said that that  
2     was not what he remembered directing mace towards and  
3     he did not believe that to be him dispensing mace in  
4     the video.

5           Q     And -- and -- he -- but he -- that -- that  
6     is where he was standing. I mean, we saw in the video  
7     that's where Aubuchon is standing during that time;  
8     right?

9           A     It appeared so.

10          Q     And he -- but he doesn't know who was the  
11     person who shot that large stream?

12          A     That's what he told me.

13          Q     Okay. From this angle, can you identify any  
14     officers on screen right now?

15          A     If you go -- I believe it's three officers  
16     to your right -- I believe that's Detective Steven  
17     Walsh.

18                   MR. WYRSCH: Screen shot that. 104.

19                             (Exhibit 104, Screen Shot, was marked  
20                             for identification.)

21          A     And then if you go to the next officer to  
22     the right, that is then lieutenant, now captain,  
23     Donnell Moore.

24                   MR. WYRSCH: Can we screen shot that as  
25     Exhibit 105.



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1 (Exhibit 105, Screen Shot, was marked  
2 for identification.)

3 Q (By Mr. Wyrsh) Anyone else in this frame?

4 A No, not right now.

5 Q You don't know who this is?

6 A I can't -- I can't tell from -- I guess if  
7 the video plays a little bit longer, I may be able to.

8 Q Okay. What -- what are you viewing it on?  
9 Are you on the TV or an iPad?

10 A It's on a TV.

11 Q I mean, you don't have an iPad in front of  
12 you, too?

13 A I do not.

14 (The video was played.)

15 A I believe that may be Lieutenant Aubuchon  
16 again.

17 Q Here?

18 A Correct.

19 MR. WYRSCH: Mark that as Exhibit 106.

20 (Exhibit 106, Screen Shot, was marked  
21 for identification.)

22 Q (By Mr. Wyrsh) Who is this right here?

23 A That is possibly Detective Walsh again.

24 Q Just to double check here. Who is the  
25 person I'm pointing to?

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1           A       From this angle, I don't know if that's  
2       still Thacker or not. I know we previously identified  
3       Thacker, but I -- I can't tell from this angle if  
4       that's still him.

5                       (The video was played.)

6           Q       (By Mr. Wyrsh) Who is this right here?

7           A       I believe that's Lieutenant Piatchek again.

8                       (The video was played.)

9           MR. WYRSCH: I'm just going to go ahead and  
10       screen shot that as Exhibit 107.

11                      (Exhibit 107, Screen Shot, was marked  
12                      for identification.)

13          Q       (By Mr. Wyrsh) Anyone else in this frame  
14       that you know -- you recognize?

15          A       I believe -- if you go back to the officer  
16       that you just had the pointer on. Further right.  
17       Yeah. That officer there, I believe that that's  
18       Detective Rich Edwards.

19          MR. WYRSCH: Screen shot that, please. 108.

20                      (Exhibit 108, Screen Shot, was marked  
21                      for identification.)

22                      (The video was played.)

23          Q       (By Mr. Wyrsh) Is this Lieutenant Aubuchon?

24          A       Yes.

25          MR. WYRSCH: Screen shot that as 109.

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1 (Exhibit 109, Screen Shot, was marked  
2 for identification.)

3 (The video was played.)

4 Q (By Mr. Wyrsh) Do you know who this person  
5 is?

6 A No.

7 Q What about either of these officers here?

8 A It's possibly -- may be more easy for me to  
9 identify those officers from a different camera angle,  
10 but I believe that those two may be Officer Sam Rachas  
11 and the officer's first name is escaping me. It may  
12 be Keith Burton.

13 Q Okay.

14 (The video was played.)

15 Q (By Mr. Wyrsh) Do you know who this officer  
16 is right here?

17 A I do not.

18 Q Any of these people?

19 A The officer wearing the blue long-sleeved  
20 shirt and the bicycle helmet -- to the right.

21 Q This one?

22 A There, yes. That is Sergeant Brandt  
23 Flowers.

24 MR. WYRSCH: Screen shot that as 110.

25 (Exhibit 110, Screen Shot, was marked

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1 for identification.)

2 (The video was played.)

3 Q (By Mr. Wyrsh) Do you know who this person  
4 is?

5 A I do not.

6 Q Anyone else in this screen shot here?

7 A Just Sergeant Flowers again.

8 Q And that's this person?

9 A Correct.

10 (The video was played.)

11 Q (By Mr. Wyrsh) How about this officer here?

12 A No.

13 Q And from this angle, I mean, is that -- is  
14 that Officer Flowers there?

15 A Yes. With the pointer, yes. And the other  
16 officer I'm still not able to identify.

17 Q That officer is not wearing a helmet; right?

18 A It doesn't appear so, no.

19 Q Is there any chance -- is there any way -- I  
20 guess they don't have sergeant stripes, I don't see?

21 A No, I -- I --

22 Q See any markings that identify what group  
23 they might be in?

24 A I believe the officer is more than likely,  
25 at that time, assigned to special operations. I've

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1 spoken to many detectives from special operations and  
2 gone over this video with them and been unable to  
3 identify that officer.

4 MR. WYRSCH: Let's go ahead and do a screen  
5 shot of --

6 Q (By Mr. Wyrsh) You said this -- where the  
7 pointer is is Officer Flowers again?

8 A Yes, Sergeant Flowers, correct.

9 Q Sergeant Flowers. Sorry.

10 MR. WYRSCH: And that's Exhibit 111.

11 (Exhibit 111, Screen Shot, was marked  
12 for identification.)

13 Q (By Mr. Wyrsh) Anyone else in the screen  
14 shot here that you can identify?

15 A No.

16 Q This person?

17 A No.

18 Q This person?

19 A No.

20 (The video was played.)

21 Q (By Mr. Wyrsh) How about this person right  
22 here? Back up.

23 A No. From this angle, no.

24 (The video was played.)

25 Q (By Mr. Wyrsh) So this is Lieutenant

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1 Aubuchon?

2 A Correct.

3 Q Anyone else you can identify in this photo  
4 here?

5 A No.

6 (The video was played.)

7 Q (By Mr. Wyrsh) Do you know who that officer  
8 is?

9 A Detective Brett Carlson, Carlson with a C.

10 MR. WYRSCH: You want to screen shot Exhibit  
11 112.

12 (Exhibit 112, Screen Shot, was marked  
13 for identification.)

14 Q (By Mr. Wyrsh) And did you for Officer --  
15 or Sergeant Flowers and for -- you said Detective  
16 Carlson?

17 A Correct.

18 Q Did you confirm with them that -- that they  
19 agree that that's them?

20 A I have.

21 Q Is there anyone else in this photo right now  
22 in this screen shot right now that you know?

23 A No.

24 (The video was played.)

25 Q (By Mr. Wyrsh) Do you know who this is on

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1 the other side of this person?

2 A No.

3 Q Back up a little bit.

4 (The video was played.)

5 Q (By Mr. Wyrsh) The person that's coming  
6 right here?

7 A No.

8 Q What about that person right there?

9 A No.

10 Q How about this person right here? I'll back  
11 it up, you can see.

12 A No.

13 (The video was played.)

14 Q (By Mr. Wyrsh) See this person over here?

15 A Correct. Yeah, no, I'm not able to identify  
16 that person.

17 Q Without -- that person also doesn't have a  
18 helmet on. Was it -- was that someone else on the ops  
19 team?

20 A I believe so.

21 Q Did you ask people who that is?

22 A I did.

23 Q And no one could tell you?

24 A Correct.

25 Q How -- how many members of the special ops

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1 did you talk to?

2 A Maybe a dozen.

3 Q But not all of them?

4 A I -- I don't believe I've spoken to every  
5 single one, no. But I've spoken to maybe a dozen or  
6 so.

7 (The video was played.)

8 Q (By Mr. Wyrsh) Do you know who this is?

9 A No.

10 Q How about this person?

11 A That's Lieutenant Aubuchon again.

12 MR. WYRSCH: Do a screen shot of 113.

13 (Exhibit 113, Screen Shot, was marked  
14 for identification.)

15 (The video was played.)

16 Q (By Mr. Wyrsh) And from this angle, that's  
17 Detective Carlson?

18 A Correct.

19 Q And we don't know who that is?

20 A Correct.

21 Q And we don't know who this is?

22 A No.

23 (The video was played.)

24 Q (By Mr. Wyrsh) I'm sorry. Do we know who  
25 either of these two people are?



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1           A       The officer without a helmet appears to be  
2   SWAT Officer Seper. His first name is escaping me.

3           Q       S-e-p-e-r?

4           A       I believe so, yes.

5           MR. WYRSCH: Go ahead and screen shot that  
6   at 114.

7                   (Exhibit 114, Screen Shot, was marked  
8                   for identification.)

9           Q       (By Mr. Wyrsh) Do you know this officer?

10          A       I do not.

11          Q       And I'm sorry, just to clarify, for -- who  
12   are -- do you know these three people? I kind of lost  
13   track.

14          A       So the one in the middle is Detective  
15   Carlson.

16          Q       Okay.

17          A       And the one on the --

18          Q       The one --

19          A       -- the one on the right is possibly  
20   Detective Mickey Christ, C-h-r-i-s-t.

21          MR. WYRSCH: Screen shot that at 115.

22                   (Exhibit 115, Screen Shot, was marked  
23                   for identification.)

24          Q       (By Mr. Wyrsh) The one on the left?

25          A       That's still the same one that I haven't

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1     **been able to identify.**

2                     **(The video was played.)**

3             **Q        (By Mr. Wyrsh) And with this helmet off**  
4     **there, we don't know?**

5             **A        Correct.**

6                     MR. WYRSCH: Screen shot that at 116,  
7     please.

8                     (Exhibit 116, Screen Shot, was marked  
9                     for identification.)

10            **Q        (By Mr. Wyrsh) Have you shown this**  
11     **particular angle to people in special ops with his**  
12     **face mask off?**

13            **A        I believe so, but I don't recall**  
14     **specifically.**

15            **Q        You don't know for certain if you did?**

16            **A        Correct.**

17                     **(The video was played.)**

18            **Q        (By Mr. Wyrsh) And just, again, who's that,**  
19     **please?**

20            **A        Lieutenant Aubuchon.**

21                     MR. WYRSCH: Screen shot that at 117,  
22     please.

23                     (Exhibit 117, Screen Shot, was marked  
24                     for identification.)

25                     **(The video played was played.)**

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1 MR. WYRSCH: We can go off the record for a  
2 moment. Can we take a break, five minutes?

3 VIDEOGRAPHER: Going off the record. The  
4 time is 9:45.

5 (Whereupon, a short break was taken.)

6 VIDEOGRAPHER: Going back on the record.  
7 The time is 9:56.

8 A If I could clarify one of my last answers  
9 before we went on break.

10 Q (By Mr. Wyrsh) Sure.

11 A When you asked if I showed the video of the  
12 officer removing his mask, I know I've shown a video  
13 of that officer removing their mask to several of the  
14 officers from the special operations unit. I just  
15 can't specifically recall if I showed that video, the  
16 Karnowski GoPro video, to those officers.

17 Q Okay. Thank you for clarifying.

18 All right. I'm going to go back briefly to  
19 that same exhibit, Exhibit 36. I'm going to draw your  
20 attention over here. See where I'm pointing to the  
21 person with the blue shirt and appears to be shorts or  
22 a skirt?

23 A Yes.

24 (The video was played.)

25 Q (By Mr. Wyrsh) This -- this officer here

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1 that comes over, do you know who that officer is?

2 A I do not.

3 Q Did you inquire about this officer at all?

4 Or do you know who this --

5 A I -- I believe I've shown the arrestees  
6 photograph to several officers and inquired if they had  
7 any ac- -- inter- -- any interaction with her.

8 Q Okay. You know that's Plaintiff Emily  
9 Davis?

10 A Correct.

11 Q Okay.

12 (The video was played.)

13 Q (By Mr. Wyrsh) Do you -- you don't know who  
14 the person is carrying out Ms. Davis right here?

15 A I do not.

16 MR. WYRSCH: Go ahead and screen shot that  
17 as 118.

18 (Exhibit 118, Screen Shot, was marked  
19 for identification.)

20 Q (By Mr. Wyrsh) Okay. We'll go back and --  
21 (The video was played.)

22 MR. WYRSCH: And just to clarify, Exhibit --  
23 we'll screen shot that as Exhibit 119.

24 (Exhibit 119, Screen Shot, was marked  
25 for identification.)

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1 Q (By Mr. Wyrsh) And you're saying you don't  
2 know who the officer is in this photo?

3 A Correct.

4 (Exhibit 20, Video, was marked in a  
5 previous deposition and now identified  
6 for the record.)

7 Q (By Mr. Wyrsh) All right. Okay. I'm  
8 showing you what I marked as Exhibit Number 20  
9 previously. I believe this is one of the Real Time  
10 Crime Center cameras; is that correct?

11 A Correct.

12 Q Are you familiar with this angle?

13 A I am.

14 (The video was played.)

15 Q (By Mr. Wyrsh) There's -- with the arrows  
16 here, are you familiar with who that is?

17 A I am.

18 Q Who is it?

19 A Ms. Laird.

20 Q And do you know any of the officers who are  
21 currently around her in this -- in this angle?

22 A I believe that the -- yeah, the officer that  
23 you're kind of hovering over right now, that that  
24 would be Detective Carlson.

25 Q Okay.

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1 MR. WYRSCH: We'll go ahead and screen shot  
2 that as 119.

3 VIDEOGRAPHER: I believe it's 120; is that  
4 correct?

5 MR. WYRSCH: I'm sorry.

6 (Exhibit 120, Screen Shot, was marked  
7 for identification.)

8 Q (By Mr. Wyrsh) Okay. And this officer from  
9 this angle, do you know who that is?

10 A No.

11 (The video was played.)

12 (Samuel Henderson joined the video conference.)

13 Q (By Mr. Wyrsh) Do you know who this officer  
14 is?

15 A I do not.

16 (The video was played.)

17 Q (By Mr. Wyrsh) Have you inquired about the  
18 identity of that officer?

19 A Again, I've shown Ms. Laird's photo to  
20 several officers that I've spoken with to determine if  
21 they've had any interactions with her.

22 MR. WYRSCH: Mark that as Exhibit 121.  
23 Screen shot, please.

24 (Exhibit 121, Screen Shot, was marked  
25 for identification.)

1           Q       (By Mr. Wyrsh) And that's an unknown  
2       officer.

3                   Now you said you've shown the picture of  
4       Ms. Laird. Have you shown anyone on the CDT teams the  
5       photo of this officer, a video of this officer to see  
6       if they can identify themselves or someone else as  
7       that officer?

8           A       Yeah, I've gone over the video with many of  
9       the officers, if not all, the officers that I've  
10      spoken with.

11          Q       This particular shot here?

12          A       I -- I can't recall if I've gone over this  
13      particular shot with every officer that I've spoken  
14      with.

15          Q       When I say this particular shot, I mean,  
16      have you -- have you asked these officers specifically  
17      to identify this officer right here who's seizing  
18      Ms. Laird?

19          A       Some of the officers that I've spoken with,  
20      yes.

21          Q       Who?

22          A       Detective Carlson. I believe -- I -- I  
23      can't recall specifically who, but several of the  
24      officers that I've spoken with. Detective Carlson for  
25      sure.

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1 Q So Detective Carlson is the only one you can  
2 remember actually asking the question to?

3 A He's the only one that I can specifically  
4 bring up by name at this time, yes.

5 Q All right. Have you inquired -- I mean,  
6 this person's wearing a helmet; correct?

7 A This person appears to be wearing  
8 standard-issued CDT gear, correct.

9 Q All right. So is it likely that this person  
10 is either a member of a squad or an arrest team?

11 A It's likely that that member is a member of  
12 a CDT team. Which CDT team, I'm not certain.

13 Q Have you communicated with the members of  
14 the CDT teams to identify whether or not they know who  
15 this person is?

16 A Correct. I've communicated with several  
17 members and supervisors of the various CDT teams.

18 Q And shown them this photo or a similar photo  
19 of this person?

20 A Again, I can't recall if I've shown every  
21 single individual from every CDT team that I've  
22 shown -- that I've -- that I've spoken with that I've  
23 shown them this video. But many of them, yes, I have.

24 Q But the only person you can specifically  
25 recall talking to is Detective Carlson?



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1           A       He's the only one that as I sit here right  
2       now that I can bring up by name as being certain as  
3       looking at this footage and inquiring into the  
4       identity of that officer, correct.

5           Q       And who -- who were -- do we know who these  
6       two people are? And I'm sorry if you've already told  
7       me that, but...

8           A       Yeah, the one on the right, that is  
9       Detective Carlson.

10          Q       Okay. And who's on the left?

11          A       On the left is an officer that I've yet to  
12       been able to identify. I believe it may be Jason  
13       Brandhorst who's currently a sergeant, was a detective  
14       then.

15                 MR. WYRSCH: Okay. So I'm going to screen  
16       shot that as Exhibit 122.

17                         (Exhibit 122, Screen Shot, was marked  
18                         for identification.)

19          A       But when I --

20          Q       (By Mr. Wyrsh) Can you give me the  
21       spelling?

22          A       Brand- -- I believe it's  
23       B-r-a-n-d-h-o-r-s-t.

24          Q       Have you shown this video to Detective  
25       Brandhorst?

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1           A       I have.

2           Q       Okay. And he cannot identify the -- could  
3 he identify himself there?

4           A       He does not believe that that is him.

5           Q       But you do?

6           A       Correct.

7           Q       And did you show him -- ask him to identify  
8 the arresting officer there?

9           A       I believe so.

10          Q       You don't remember for sure?

11          A       I -- I don't recall specifically if I asked  
12 him to -- the identity of that CDT officer, but I  
13 believe we went over all the circumstances surrounding  
14 Ms. Laird there and I believe that that was brought  
15 up. I just can't specifically recall from memory.

16          Q       Okay.

17                   (The video was played.)

18                   (Exhibit 21, Video, was marked in a  
19 previous deposition and now identified  
20 for the record.)

21          Q       (By Mr. Wyrsh) I'm going to show you what  
22 we marked as Exhibit 21.

23                   (The video was played.)

24          Q       (By Mr. Wyrsh) Ask you here -- showing this  
25 person here, do you recognize -- do you know any of

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1 the officers who are around him right here?

2 A No.

3 Q Have you inquired with officers about who  
4 these two officers might be?

5 A Yes.

6 Q Do you recognize who this is?

7 A Yes, it's Alex Nelson.

8 Q Okay. And you've not been able to identify  
9 the identity of these two officers?

10 A From this angle -- if you go back -- it's  
11 difficult for me to tell from this angle, but I  
12 believe the officer that is on Mr. Nelson's left --  
13 that would be his right.

14 Q Oh, his -- okay.

15 A Yeah, the officer that's now walking away --  
16 okay.

17 Q This person right here?

18 A Correct. I believe that that may be  
19 Sergeant Joe Lankford.

20 Q So that person right there?

21 A Correct.

22 MR. WYRSCH: Screen shot, 123, Sergeant  
23 Lankford.

24 (Exhibit 123, Screen Shot, was marked  
25 for identification.)

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1           Q        (By Mr. Wyrsh) But we don't know who this  
2   person is with the baton?

3           A        Correct.

4           Q        Is there any markings on him to suggest what  
5   team he -- he might be on?

6           A        Not that I can see.

7                    (The video was played.)

8           MR. WYRSCH: Can we go off the record for a  
9   second? Patience with this. This is just new and  
10   trying to get a handle on it.

11          THE WITNESS: Sure.

12          VIDEOGRAPHER: Going off the record. The  
13   time is 10:12.

14                    (Whereupon, a short break was taken.)

15          VIDEOGRAPHER: Going back on the record.  
16   The time is 10:15.

17          Q        (By Mr. Wyrsh) What I'm showing you again  
18   was marked as Exhibit 21. I want to direct you to  
19   another spot here. If I can find my -- oh, I'm not  
20   sharing it.

21                    (The video was played.)

22          Q        (By Mr. Wyrsh) So right about here, do you  
23   see this person right here?

24          A        I possibly see someone in a group of several  
25   other officers.

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1           Q     An African-American gentleman, I'll  
2     represent to you it's Plaintiff Roberts.

3           A     Okay.

4           Q     Do you know who any of the officers are that  
5     are surrounding Mr. Roberts?

6           A     I know that Officer Gregory Schaffer was  
7     escorting Mr. Roberts. And he's indicated to me that  
8     before he walked past the line there, that he was  
9     stopped by two, he knows to be SWAT officers, but  
10    unidentified SWAT officers that stopped him and  
11    conducted a search of Mr. Roberts at that time.

12          Q     Okay. So he -- he knows they were SWAT  
13    officers, but he doesn't know who they were?

14          A     Correct.

15          Q     Do you know why a search was conducted?

16          A     It was my understanding that they were doing  
17    cursory pat-down searches, if you will, prior to  
18    taking people outside of that immediate area.

19          Q     Do you think this is him being patted down  
20    right there?

21          A     I -- I'm not clear on exactly what's  
22    happening. That's what's been relayed to me.

23          Q     Is this Officer Schaffer here?

24          A     I -- it's possible Officer Schaffer would  
25    just be wearing standard CDT gear. The officer that

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1     you're highlighting may be a SWAT officer. It's  
2     difficult for me to tell from here.

3           Q     Okay. There are a couple -- seems like a  
4     couple officers who are bringing him to the north side  
5     of Washington and Tucker?

6                     (The video was played.)

7           Q     (By Mr. Wyrsh) They're standing him up  
8     right there. There are a couple -- at least a couple  
9     officers around him. You say one of them is Officer  
10    Schaffer, but you don't know which one?

11          A     Perhaps if I got a little closer to the  
12    television.

13          Q     I'll rewind.

14                     (The video was played.)

15          A     Perhaps the officer on the right there.

16          Q     (By Mr. Wyrsh) Right there with a hel- --  
17    with a visor?

18          A     Correct.

19                     MR. WYRSCH: Screen shot that as -- what are  
20    we on -- 125?

21                     VIDEOGRAPHER: 124, I believe.

22                     MR. WYRSCH: Okay. 124.

23                     (Exhibit 124, Screen Shot, was marked  
24    for identification.)

25          Q     (By Mr. Wyrsh) And are you aware of anyone

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1     **else in that group of people who are around Officer**  
2     **Rob- -- or Mr. Roberts?**

3             **A     No.**

4             **Q     All right. I want to show you what --**

5                     MR. WYRSCH: Well, actually let me go off  
6     the record again real quick. Brandon?

7                     MR. LAIRD: Yeah.

8                     MR. WYRSCH: Once we're off the record.

9                     VIDEOGRAPHER: Going off the record. The  
10    time is 10:21.

11                    (Whereupon, a short break was taken.)

12                    VIDEOGRAPHER: Going back on the record.  
13    The time is 10:22.

14                    (Exhibit 125, Interrogatories, were  
15    marked for identification.)

16             **Q     (By Mr. Wyrsh) I'm going to show you what**  
17     **we've marked as -- we're going to mark it as Exhibit**  
18     **125, which are in the -- in the matter of Lindsey**  
19     **Laird versus City of St. Louis, Defendant City of St.**  
20     **Louis' Responses and Objections to Plaintiff's First**  
21     **Set of Interrogatories.**

22                    Have you -- have you seen this document  
23    before?

24             **A     I can't see anything other than myself.**

25             **Q     Oh, well, probably because I need to share**

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1 it with you.

2 Now do you see it?

3 A Yes.

4 Q Were you involved in helping find the  
5 answers to some of these interrogatories?

6 A I was.

7 Q So going down to number 3 here, this one is  
8 about Officer Roberts. We've already talked about  
9 Schaffer. I guess on number 4, it says, "Identify the  
10 SLMPD officers depicted in the video that is marked as  
11 Deposition Exhibit 36, including but not limited to  
12 two SLMPD employees at the start of the video who  
13 deploy pepper spray."

14 And your -- in the interrogatory answers,  
15 the City wrote that it was Sergeant Karnowski and  
16 Lieutenant Aubuchon who deployed the pepper spray  
17 identified in the video.

18 And your testimony today is contrary to  
19 that. You said that you do not know who the second  
20 spray is.

21 A Correct.

22 Q Can you help me understand what -- what  
23 happened here?

24 A I believe that I spoke with Lieutenant  
25 Aubuchon after these answers were provided and in



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1 speaking with Lieutenant Aubuchon was when he  
2 indicated that he -- he did not believe that that was  
3 him deploying pepper spray.

4 Q Okay. So what was your basis of -- of --  
5 you -- you understand that though you guys did not  
6 provide verifications, that typically interrogatories  
7 are verified by someone and that -- and that you --  
8 you have been identified by the City that you should  
9 have verified them?

10 A Correct.

11 Q All right. You know the verification is  
12 under oath?

13 A Yes.

14 Q Okay. So tell me the basis in which you  
15 stated on behalf of the City that Lieutenant Aubuchon  
16 deployed pepper spray and that you hadn't talked to  
17 Lieutenant Aubuchon.

18 A His statements in the police report, along  
19 with his location in the video that I did review, they  
20 appeared to me to be one in the same.

21 Q So -- so you base that statement on the  
22 police report and your view of the video is -- is how  
23 you got the statement here on number 4?

24 A Correct.

25 Q And subsequently in serving these

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1     interrogatory responses, you actually spoke with  
2     Lieutenant Aubuchon?

3           A     Correct. I actually spoke with Lieutenant  
4     Aubuchon and it's possible that prior to these  
5     answers, I had spoken with him on the phone but not  
6     gone over the video with him. But when I actually met  
7     with him face to face and went over the video with him  
8     was when he clarified with me that he did not believe  
9     what -- what was described in the police report was  
10    what was seen on the video.

11          Q     Okay. And since -- when -- when did you  
12    have that conversation with Lieutenant Aubuchon?

13          A     I don't recall specifically. It may have  
14    been just prior to all of the coronavirus concerns.

15          Q     Okay. So sometime in February/March time  
16    period?

17          A     Possibly March.

18          Q     So in the last two months, what have you  
19    done to identify who that -- the person is who  
20    deployed that pepper spray?

21          A     In the last two months, I -- I haven't done  
22    anything.

23          Q     Okay. So going back to the 30(b)(6) notice,  
24    which was Exhibit -- was that 97? Trying to keep a  
25    log. I believe that was Exhibit 97.

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1                   In the -- did you -- did you review --  
2   there -- there are numerous videos, the Real Time  
3   Crime Center has two videos; correct?

4           A     Correct.

5           Q     The -- there were two documentation teams?

6           A     Correct.

7           Q     And all four of those videos, especially the  
8   Real Time Crime Center, captures many hours before the  
9   arrests; correct?

10          A     Correct.

11          Q     So did you review those videos to determine  
12   whether or not you could identify when Lieutenant  
13   Aubuchon supposedly deployed his pepper spray?

14          A     I attempted to, yes.

15          Q     And you were unable to find anything?

16          A     Again, as I stated in the interrogatories,  
17   it's my belief that the video depicts Lieutenant  
18   Aubuchon dispensing mace consistently with what's  
19   documented in the police report.

20                   However, I have to qualify that with when I  
21   sat down and met with him and showed the video to him,  
22   he indicated to me that he did not believe that was  
23   the case.

24          Q     Okay. So based on your review of  
25   everything, you -- you do believe that that is

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1 Lieutenant Aubuchon who's spraying there?

2 A Correct.

3 Q But Lieutenant Aubuchon is denying it?

4 A I don't know if denying would be the --  
5 the -- the term that I would use, but he indicates  
6 that he does not believe that that's the case.

7 Q Thank you. All right. In responding to  
8 interrogatory number 5, the -- I wish I could show  
9 both interrogatories at the same time -- but  
10 interrogatory 5 asks you to identify who is in -- let  
11 me back that up -- attachment 4 and it says that  
12 the -- asks you to depict the officers who were in  
13 that.

14 So going back to Exhibit -- I'm going to  
15 show you what was attached as attachment 4 to the  
16 interrogatories. You said Officer Walsh. Which --  
17 which is -- is -- sorry, Detective Walsh?

18 A Correct.

19 Q Which is Detective Walsh?

20 A The gentleman in the standard uniform with  
21 the black outer vest, the bald gentleman.

22 Q Where my pointer is right now?

23 A Correct.

24 Q Okay.

25 MR. WYRSCH: Go ahead and screen shot that

1 as Exhibit 126.

2 (Exhibit 126, Screen Shot, was marked  
3 for identification.)

4 Q (By Mr. Wyrsh) You -- you don't know --  
5 do -- do you know the identity of this person?

6 A I do not.

7 Q And then in the interrogatories, it says  
8 you're still investigating whether Officer Walsh  
9 physically interacted with plaintiff beyond attachment  
10 4. Do you -- have you talked to Officer Walsh?

11 A I have.

12 Q And has Officer Walsh given you an  
13 indication as to his involvement with the arrest of  
14 Ms. Laird?

15 A I don't believe he has any other  
16 involvement.

17 Q You don't believe he has involvement or he  
18 just denies it or what --

19 A He doesn't -- he doesn't remember having  
20 interaction her. I don't see him on video having any  
21 interaction with her.

22 Q Okay. And then the next part of that,  
23 interrogatory number 5 references an attachment 5.  
24 The person I have here, is that Officer Schaffer?

25 A It is.

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1 MR. WYRSCH: Go ahead and screen shot that  
2 as Exhibit 127.

3 (Exhibit 127, Screen Shot, was marked  
4 for identification.)

5 Q (By Mr. Wyrsh) All right. And you state in  
6 the interrogatories that Officer Schaffer did not  
7 seize or secure plaintiff in zip cuffs; is that  
8 correct?

9 A It is.

10 Q And after plaintiff was zip cuffed, he was  
11 handed off to Officer Schaffer who then walked  
12 plaintiff back to the documentation area --

13 A Correct.

14 Q -- is that correct?

15 A Yes.

16 Q Did -- have you talked to Officer Schaffer?

17 A I have.

18 Q Did he recall who handed Mr. Roberts off to  
19 him?

20 A The way he described it to me was that he  
21 physically picked Mr. Roberts up, possibly at the  
22 direction of someone who he could not recall. So he  
23 wasn't, I guess, physically handed off, but he was  
24 already secured in zip -- zip ties or flex cuffs and  
25 that Officer Schaffer was given some direction by

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1 someone who he can't remember to escort him to the  
2 documentation area.

3 Q Do you know if that was before or after we  
4 see Mr. Roberts near the streetlight? I think -- do  
5 you know if -- if Schaffer was -- escorted him to that  
6 point?

7 A Yes. It's my understanding that Schaffer  
8 escorted him to that point and then was stopped by  
9 those SWAT officers before proceeding any further.

10 Q Okay. So prior to where we saw him in that  
11 video, he -- he had -- he had picked him up off the  
12 ground and brought him to that point where the SWAT  
13 officers pat him down?

14 A Correct.

15 Q And then it's our understanding that he then  
16 continued to bring him to the north side of the line?

17 A Correct.

18 Q Thank you. Are you aware of anyone else who  
19 had -- who was involved in the seizure or -- or laid  
20 hands on at any point of Ms. Laird or Mr. Roberts,  
21 other -- other than those identified in the  
22 interrogatories?

23 A I believe in one of the Real Time camera  
24 angles, it appears that possibly retired SWAT Officer  
25 Lance Coats may be the individual -- and I haven't

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1 spoken with Lance Coats because he's no longer with  
2 the department -- but from reviewing the video, it --  
3 it's my estimation that he's the officer that  
4 physically places Mr. Roberts into flex cuffs or zip  
5 ties.

6 MR. WYRSCH: Okay. Let's take a break while  
7 we cue that up. Thank you.

8 Q (By Mr. Wyrsh) Before I ask that, anyone  
9 else besides who we've already talked about?

10 A I'll have to go over the video again when we  
11 do it, but it's possible that Detective Matthew Burle  
12 may have some type of physical contact with  
13 Mr. Roberts in assisting Officer Coats.

14 Q Okay.

15 A But I'll have a better understanding of that  
16 once I'm looking at the video live.

17 Q Okay.

18 MR. WYRSCH: We will cue it up in a second.  
19 Thank you.

20 Off the record, please.

21 VIDEOGRAPHER: Going off the record. The  
22 time is 10:37.

23 (Whereupon, a short break was taken.)

24 VIDEOGRAPHER: Back on the record. The time  
25 is 10:42.



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1 (Exhibit 4, Video, was marked in a  
2 previous deposition and now identified  
3 for the record.)

4 Q (By Mr. Wyrsh) I'm showing you what we  
5 marked as Exhibit Number 4. This is one of the Real  
6 Time Crime Center cameras.

7 A Okay.

8 Q Is that correct?

9 A Yes.

10 (The video was played.)

11 Q (By Mr. Wyrsh) Just to give us some  
12 context, this is at the -- the beginning of the  
13 arrests. I think we see Mr. Roberts over here?

14 A Correct.

15 (The video was played.)

16 Q (By Mr. Wyrsh) And as we see the bike team  
17 approaching here, is that Lieutenant Aubuchon right  
18 there?

19 A It is.

20 MR. WYRSCH: Can we screen shot that as 128?

21 (Exhibit 128, Screen Shot, was marked  
22 for identification.)

23 Q (By Mr. Wyrsh) And I think I asked you  
24 this, but just so I make sure I do, did you talk to  
25 Officer Schaffer and ask if he recognized or

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1 remembered anyone else involved in the hands on or  
2 seizure of Mr. Roberts or Laird?

3 A I did.

4 Q And did he recall anyone?

5 A He did not.

6 (The video was played.)

7 Q (By Mr. Wyrsh) Right here, do you recognize  
8 anyone in this photo?

9 A I believe who you're hovering over right now  
10 --

11 Q I'll start over here -- I'll start here. Do  
12 you know who that is?

13 A From that angle, I can't say for certain,  
14 but I believe it may be SWAT Officer Lance Coats,  
15 retired.

16 Q Okay.

17 MR. WYRSCH: We'll mark that as Exhibit 129.

18 (Exhibit 129, Screen Shot, was marked  
19 for identification.)

20 Q (By Mr. Wyrsh) I'll move it over to this  
21 person with the red stripe.

22 A No.

23 Q Move it to this person with the white shirt.

24 A That would be, again, now captain, then  
25 lieutenant, Donnell Moore.

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1 MR. WYRSCH: Screen shot 130.

2 (Exhibit 130, Screen Shot, was marked  
3 for identification.)

4 Q (By Mr. Wyrsh) And then this person?

5 A I believe that is retired Sergeant Brian  
6 Rossomanno.

7 Q You mean that -- this person here?

8 A No.

9 Q Oh, this person is Rossomanno? Sorry.

10 A Correct.

11 Q Okay.

12 MR. WYRSCH: Let's screen shot that as 131.

13 (Exhibit 131, Screen Shot, was marked  
14 for identification.)

15 Q (By Mr. Wyrsh) And how about the person  
16 behind?

17 A I believe that's Detective Steven Walsh.

18 Q Okay.

19 MR. WYRSCH: Screen shot that at 132.

20 (Exhibit 132, Screen Shot, was marked  
21 for identification.)

22 (The video was played.)

23 Q (By Mr. Wyrsh) This is Mr. Roberts here?

24 A Correct.

25 Q So that's -- that's the -- is that the point

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1 where you think that -- sorry, was it Sergeant Walsh?

2 A Detective Steven Walsh. Yeah, I don't know  
3 how much physical contact he has with Mr. Roberts  
4 there. I believe he may just be simply telling him to  
5 get on the ground as you can see similarly happening  
6 at other points in the footage.

7 Q Okay.

8 MR. WYRSCH: We'll go ahead and mark that as  
9 Exhibit 133. The red light's on Detective Walsh.

10 (Exhibit 133, Screen Shot, was marked  
11 for identification.)

12 (The video was played.)

13 Q (By Mr. Wyrsh) You said you thought that --  
14 Lieutenant Coats?

15 A It -- he was retired SWAT officer. I  
16 believe at some point later on here in the video that  
17 he -- he's the one that comes over and physically puts  
18 Roberts in zip ties, I believe.

19 Q Okay.

20 (The video was played.)

21 Q (By Mr. Wyrsh) Do you know any -- any of  
22 the other officers who are around Mr. Roberts at this  
23 point?

24 A I believe next to Detective Walsh there is,  
25 again, now captain, then lieutenant, Donnell Moore.

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1 Q I've lost where -- hold on a second.

2 So just -- just to -- and I'm sorry, I had  
3 to jump to a different program here -- but this person  
4 right here, that's Detective Walsh?

5 A Correct.

6 Q All right. And do we know who this person  
7 is?

8 A I do not.

9 Q And the person who's bent over right here,  
10 do we know who that is?

11 A Not at this time in the video, no.

12 (The video was played.)

13 A No.

14 (The video was played.)

15 Q (By Mr. Wyrsh) Is this -- is this where Mr.  
16 Roberts is being zip cuffed?

17 A I believe it may be shortly after this.

18 (The video was played.)

19 Q (By Mr. Wyrsh) Right there?

20 A Yeah. And I may have been confusing --  
21 earlier when I said Coats and Burle, I may have been  
22 confusing Mr. Roberts with another -- the  
23 circumstances of another plaintiff.

24 So in this frame, if you look just to the  
25 right of where the pointer is --

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1 Q Mm-hmm.

2 A -- so that is Officer Samuel Rachas.

3 Q Okay.

4 MR. WYRSCH: Can we get a screen shot? 133.

5 VIDEOGRAPHER: 134, I believe.

6 MR. WYRSCH: Sorry.

7 (Exhibit 134, Screen Shot, was marked  
8 for identification.)

9 A And then to his left is Officer Burton.

10 Q (By Mr. Wyrsh) Right here?

11 A Correct.

12 Q So do you know who the person right here  
13 that's actually doing the zip ties?

14 A No.

15 Q Here, this is --

16 A I believe that's Rachas.

17 Q All right. So Rachas is down over him, too?

18 A Correct.

19 Q This change your ability to identify this  
20 person here?

21 A That may be the same officer that I  
22 previously identified that I believe to be now  
23 sergeant, then detective, Brandhorst.

24 MR. WYRSCH: Screen shot that at 136.

25 (Exhibit 136A, Screen Shot, was marked

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1 for identification.)

2 Q (By Mr. Wyrsh) Is he the person who denied  
3 being there?

4 A He didn't deny being there, but he said  
5 looking at the video that he did not believe that to  
6 be him.

7 (The video was played.)

8 Q (By Mr. Wyrsh) When did you speak with --  
9 do you know who that person is right there?

10 A I do not.

11 (The video was played.)

12 Q (By Mr. Wyrsh) How long ago did you speak  
13 with Sergeant Brandhorst?

14 A Possibly in February.

15 Q And you showed him this video?

16 A Correct.

17 Q What leads you to believe that it is  
18 Sergeant Brandhorst?

19 A My familiarity with the members of the  
20 special operations team, the appearance that I see on  
21 the video there, just my experience on the police  
22 department and my experience with that unit.

23 Q Okay. Do you know any of these three  
24 persons here?

25 A They appear to be members of the SWAT team,

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1 but I could not tell you specifically who.

2 Q This person?

3 A No, I'm sorry. Not the -- not the officer  
4 in the -- the white shirt, but the two to his right.

5 Q Yeah. White shirt, is that --

6 A It may be, just in this still, it -- it's  
7 possibly Donnell Moore, but I can't say definitively  
8 without letting it play a little bit more.

9 (The video was played.)

10 A Yeah, I would say that that's Donnell Moore.

11 Q Okay.

12 MR. WYRSCH: Do 136, screen shot, please.

13 (Exhibit 136B, Screen Shot, was marked  
14 for identification.)

15 (The video was played.)

16 Q (By Mr. Wyrsh) Do you know who that is  
17 right there?

18 A No.

19 Q Do you recognize that person?

20 A No. It appears to be an officer assigned to  
21 the SWAT team, but I don't know the identity.

22 (The video was played.)

23 Q (By Mr. Wyrsh) Do you know who this person  
24 is right here?

25 A No.



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1 (The video was played.)

2 Q (By Mr. Wyrsh) Right there, is that  
3 Lieutenant Aubuchon?

4 A Yes.

5 MR. WYRSCH: Screen shot 137.

6 (Exhibit 137, Screen Shot, was marked  
7 for identification.)

8 (The video was played.)

9 Q (By Mr. Wyrsh) Was that -- is that Schaffer  
10 right there?

11 A Yes.

12 MR. WYRSCH: Screen shot 138.

13 (Exhibit 138, Screen Shot, was marked  
14 for identification.)

15 (The video was played.)

16 Q (By Mr. Wyrsh) And as far as this group of  
17 people, do you know any officers involved in that  
18 besides Schaffer?

19 A I do not.

20 (The video was played.)

21 Q (By Mr. Wyrsh) And focusing your attention  
22 back to Ms. Laird, do you know who's involved in the  
23 zip ties here?

24 A Correct.

25 Q Sorry. Do -- other than -- I believe you

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1 identified --

2 A Detective Carlson and then --

3 Q Yeah.

4 A -- who I believe to be detective -- now  
5 sergeant, but then detective, Jason Brandhorst.

6 Q Okay. Anyone else that you recognize in  
7 that group?

8 A No.

9 Q Here's three people.

10 A Yeah, the -- the --

11 Q Carlson -- sorry?

12 A No, go ahead.

13 Q This is Carlson right here?

14 A Correct.

15 Q And that you think is Brandhorst?

16 A Correct.

17 Q All right.

18 MR. WYRSCH: So Carlson is screen shot 139.

19 (Exhibit 139, Screen Shot, was marked  
20 for identification.)

21 MR. WYRSCH: Brandhorst, 140.

22 (Exhibit 140, Screen Shot, was marked  
23 for identification.)

24 Q (By Mr. Wyrsh) And then this third person,  
25 you do not know who that is?

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1           A       Correct.

2           Q       And you asked Carlson and Brandhorst if they  
3 know who that is?

4           A       Correct.

5           Q       And they do not?

6           A       Correct.

7                       (The video was played.)

8           MR. WYRSCH: We go off the record for a  
9 second.

10           VIDEOGRAPHER: Going off the record. The  
11 time is 11:01.

12                       (Whereupon, a short break was taken.)

13           VIDEOGRAPHER: Going back on the record.  
14 The time is 11:19.

15           Q       (By Mr. Wyrsh) I did want to ask one more  
16 thing on Ms. Laird. The arresting officer in the  
17 police report is listed as Jeremiah Koerper; is that  
18 correct?

19           A       Correct.

20           Q       Did you -- I noticed that he's absent from  
21 the interrogatories. Did you have an occasion to talk  
22 to Officer Koerper?

23           A       I have -- I've spoken to him briefly on the  
24 phone. He was out injured for a time. And then with  
25 all of this coronavirus stuff, I haven't had a chance

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1 to sit down with him and go over the video.

2 Q Okay. So you don't know what role, if any,  
3 he had?

4 A Correct.

5 (Exhibit 15, Video, was marked in a  
6 previous deposition and now identified  
7 for the record.)

8 Q (By Mr. Wyrsh) Showing you what we've  
9 previously marked as Exhibit 15. We're going to do a  
10 couple of things here.

11 (The video was played.)

12 Q (By Mr. Wyrsh) Right there, do you see the  
13 person with a pepper spray?

14 A Okay.

15 Q A quick burst there. Oh, sorry. Is that  
16 Detective Burle?

17 A It is.

18 MR. WYRSCH: We'll go ahead and screen shot  
19 at 141; correct?

20 VIDEOGRAPHER: Okay.

21 (Exhibit 141, Screen Shot, was marked  
22 for identification.)

23 Q (By Mr. Wyrsh) And then just behind  
24 Detective Burle, is there a person in white? See  
25 that?

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1 A Yes.

2 Q Do you know who that is?

3 A I believe it's retired Lieutenant Paul  
4 Piatchek.

5 Q Okay. That is Lieutenant Piatchek?

6 A Yes.

7 (Exhibit 142, Interrogatories, were  
8 marked for identification.)

9 Q (By Mr. Wyrsh) Thank you.

10 And then I'm showing you now what is marked  
11 as Exhibit 142, which are the interrogatory responses  
12 to Emily Davis' interrogatories. Are you familiar  
13 with those -- that document?

14 A Yes.

15 Q The verification on page 9, is that your  
16 signature?

17 A It is.

18 Q Did you help prepare these responses?

19 A I did.

20 Q On interrogatory number 5, they refer to a  
21 number of issues. I'm going to show you now, these  
22 are the attachments to the interrogatories. This one  
23 is Davis 1. And the interrogatory responses said you  
24 could not identify anyone. Is that still true?

25 A I guess at the time we responded to the

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1     interrogatories, there was some confusion because  
2     Ms. Davis is circled. So I wasn't sure if we were  
3     focusing on the circled area and trying to determine  
4     if there was officers in that mix with her or just  
5     simply identify anyone.

6             If I think you wanted me to identify  
7     officers in this screen shot, it would be similar to  
8     the video that we just went over. Kind of in the  
9     center of the screen would be now captain, then  
10    lieutenant, Donnell Moore. And the officer to the  
11    right without a helmet would be Detective Walsh.

12            MR. WYRSCH: Let's go ahead and screen  
13    shot -- this is Donnell Moore. 143?

14                    (Exhibit 143, Screen Shot, was marked  
15                    for identification.)

16            MR. WYRSCH: And you got that?

17            VIDEOGRAPHER: I got them.

18            MR. WYRSCH: All right. And this is 144.  
19    Walsh.

20                    (Exhibit 144, Screen Shot, was marked  
21                    for identification.)

22            Q     (By Mr. Wyrsh) I'm going to show you  
23    attachment number 2. This one is Davis. And then  
24    three listed Paul Piatchek. And that's this person  
25    here?

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1           A     Correct.

2                     MR. WYRSCH: All right. So screen shot that  
3     at 145.

4                             (Exhibit 145, Screen Shot, was marked  
5                             for identification.)

6           Q     (By Mr. Wyrsh) Anyone else in the circle  
7     that you recognize?

8           A     No.

9           Q     And then four, that again is Piatchek?

10          A     Correct.

11          Q     This you identified as Michael -- is it  
12     Miller or Mueller?

13          A     I believe it's pronounced Mueller.

14          Q     This person here?

15          A     Correct.

16          Q     Do you recognize this person with the bag?

17          A     I do not.

18          Q     And then this -- this is attachment 6 to  
19     Exhibit 142. You don't recognize this person?

20          A     No. And contextually, I'm not even sure  
21     exactly where that's taken from. I mean, I -- I'm  
22     assuming it's maybe Real Time camera footage, but I --  
23     because it's so isolated there, I can't contextually  
24     put it into place.

25          Q     And then here is -- this is attachment 7 to

1 Exhibit 142. And you have Rachas and Burton. Is that  
2 left to right, Rachas here?

3 A Correct.

4 Q Burton here?

5 A Correct.

6 (Exhibit 6, Video, was marked in a  
7 previous deposition and now identified  
8 for the record.)

9 Q (By Mr. Wyrsh) All right. I'm showing you  
10 what's previously been marked as Exhibit 6.

11 (The video was played.)

12 Q (By Mr. Wyrsh) Similar to a question we had  
13 before, is this Lieutenant Aubuchon over here?

14 A No.

15 Q Is that him here?

16 A Correct.

17 Q Do you know who this is here?

18 A I do not.

19 (The video was played.)

20 Q (By Mr. Wyrsh) Do you know the identity of  
21 any of these officers here?

22 A No.

23 Q Have you attempted to ask the identity of  
24 any of these officers?

25 A I have. And I guess I believe in speaking



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1 to some of the officers, the tallest officer that  
2 you're kind of highlighting right now may be an  
3 officer that's no longer with the department. But at  
4 that time, it was officer -- I believe it's Nicholas  
5 Henderson.

6 Q Okay.

7 MR. WYRSCH: I'll screen shot that as 146;  
8 is that right?

9 VIDEOGRAPHER: 46, yeah.

10 (Exhibit 146, Screen Shot, was marked  
11 for identification.)

12 Q (By Mr. Wyrsh) Do you know -- do you know  
13 what team Henderson is on?

14 A As I sit here right now, I can't recall.  
15 But I'm -- I'm sure it's outlined on the operations  
16 plan or -- or what we call the detail. I know that he  
17 was assigned to one of the North Patrol CDT teams, but  
18 I couldn't tell you if it was team 1 or team 2 and  
19 which element.

20 Q Okay. Did you go --

21 (The video was played.)

22 Q (By Mr. Wyrsh) Do you know who that officer  
23 is?

24 A No.

25 (The video was played.)

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1           Q        (By Mr. Wyrsh) How about this officer right  
2       here?

3           A        I believe it's retired Sergeant Brian  
4       Rossomanno.

5           Q        And do you know who --

6                   MR. WYRSCH: I'll go ahead and screen shot  
7       that as 147.

8                               (Exhibit 147, Screen Shot, was marked  
9                               for identification.)

10          Q        (By Mr. Wyrsh) And do you know who this  
11       officer is right here?

12          A        No.

13          Q        This officer here?

14          A        I believe Detective Jesse Dyson.

15                   MR. WYRSCH: Screen shot that as 148.

16                               (Exhibit 148, Screen Shot, was marked  
17                               for identification.)

18          Q        (By Mr. Wyrsh) And this?

19          A        I don't know.

20          Q        You don't know who this person is?

21          A        I -- I can't tell the coloration of that  
22       shirt, if it's white or blue. If it's white, and  
23       basing it off my understanding of other video, it's  
24       possible it's Donnell Moore. But from this video, I  
25       can't clearly say.

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1 Q How about this person?

2 A I believe that to be Detective Burle.

3 Q All right.

4 MR. WYRSCH: Screen shot that at 149.

5 (Exhibit 149, Screen Shot, was marked  
6 for identification.)

7 Q (By Mr. Wyrsh) And then this?

8 A It's difficult for me to say from this  
9 angle, but based on my understanding of kind of where  
10 we are time and space, it's possibly SWAT Officer Joe  
11 Busso or Joseph Busso.

12 Q Okay. How about this person here?

13 A I don't know.

14 (The video was played.)

15 Q (By Mr. Wyrsh) Do you know who that officer  
16 is right here?

17 A No.

18 Q How about this person here?

19 A No.

20 Q This officer?

21 A No.

22 Q Who is that?

23 A Retired Lieutenant William Kiphart.

24 MR. WYRSCH: Screen shot, please. 151.

25 (Exhibit 151, Screen Shot, was marked

1 for identification.)

2 Q (By Mr. Wyrsh) Do we know who's behind him?

3 A No.

4 Q Recognize anyone else in this section over  
5 here?

6 A I do not.

7 Q Have you spoken with Lieutenant Kiphart,  
8 retired Lieutenant Kiphart?

9 A I have not.

10 Q Recognize anybody over here?

11 A I do not.

12 Q Do you know who this person is?

13 A No.

14 (The video was played.)

15 Q (By Mr. Wyrsh) I'm going to show you what  
16 we're going to mark as Exhibit 152, Keith Rose  
17 interrogatory responses.

18 (Exhibit 152, Interrogatories, were  
19 marked for identification.)

20 Q (By Mr. Wyrsh) Not verified, but did you --  
21 were you involved in responding to these?

22 A I believe so, yes.

23 Q Were you involved in responding to all the  
24 interrogatories?

25 A Yes.

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1 Q All right. So the interrogatory --  
2 interrogatory 2 asks to identify the person in the  
3 arrest photo, which is this attachment 2. And you  
4 identified that person as Officer Gaddis?

5 A Correct.

6 Q And then he's the arresting officer. You  
7 state in the response that he interacted with  
8 plaintiff as he was in the photograph, but you're  
9 currently not aware as to whether Officer Gaddis had  
10 any further interaction with plaintiff.

11 Have you spoken with Officer Gaddis?

12 A I have.

13 Q Has he indicated what interaction he had  
14 with Mr. Rose?

15 A It's my understanding that essentially he  
16 was documented as the arresting officer and had his  
17 photograph taken with him and that was the extent.

18 Q Do you know how he came to be documented as  
19 the arresting officer?

20 A I do not.

21 Q Did he ever lay hands on Mr. Rose?

22 A I don't believe so, no.

23 Q Did he zip tie him?

24 A No.

25 Q Does he -- does Officer Gaddis or does

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1 anyone else know who did zip tie Mr. Rose?

2 A Not to my knowledge.

3 Q So on number 5, you said SLMPD officers who  
4 deployed pepper spray at or near plaintiff on  
5 September 17th and you identified Lieutenant Kiphart  
6 and Detective Burle?

7 A Correct.

8 Q I believe we've just seen Lieutenant Kiphart  
9 on the Exhibit 6. Is that what you're referring to?

10 A I'm sorry?

11 Q We were just looking at -- we were just  
12 looking at Exhibit 6, which was the RebZ video.

13 A Correct.

14 Q You identified Lieutenant Kiphart in that  
15 video as deploying pepper spray?

16 A Correct.

17 Q Is that what you're referring to here in  
18 interrogatory number 5?

19 A Yeah, I guess just my understanding of those  
20 events from that video, as well as other video.

21 Q Okay. But -- but when we saw Lieutenant  
22 Kiphart deploying pepper spray, that's what you're  
23 identifying here in -- in your response to inter- --  
24 interrogatory number 5?

25 A Yes, as well as the previous video where you

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1 had me identify Detective Burle.

2 Q Okay. So that -- that was my next question  
3 was, when we previously saw Detective Burle deploy  
4 pepper spray, was that what you're referring to here  
5 in interrogatory 5?

6 A Yes.

7 Q On number 6, you say that Officer Gaddis had  
8 physical contact with plaintiff. Can you describe  
9 what physical contact that was?

10 A I believe at some point, Rose was kind of  
11 handed off to Officer Gaddis and he may have like  
12 physically taken hold of Rose at that point. But that  
13 Gaddis didn't take part in the securing, zip tieing,  
14 or flex cuffing of Rose.

15 Q Who -- who -- who did you speak with in  
16 order to ascertain who was involved in zip tieing or  
17 securing Mr. Rose?

18 A I spoke with Officer Gaddis and I've also  
19 spoken with other officers from various CDT teams and  
20 to this point been unable to identify which officers  
21 were involved in the securing of Mr. Rose.

22 Q Do you remember which specific officers you  
23 talked to about Mr. Rose?

24 A I don't recall specifically which officers,  
25 but just as I've spoken to various officers, I've

1 asked them about numerous plaintiffs.

2 Q And then looking at exhibit -- or number --  
3 interrogatory number 1 on Plaintiff's Exhibit 152, we  
4 ask you to look at a photograph labeled as attachment  
5 1. And you state that the officers could not be  
6 identified. I'm going to show you that attachment.

7 I have no idea what this is looking like on  
8 your screen, but any of these officers here do you  
9 recognize?

10 A No.

11 Q The person with the orange gun, you don't  
12 know who that is?

13 A No. It appears to be -- and, again, it's --  
14 it's a very dark image -- but it appears to be an  
15 officer from our SWAT team, but I -- I don't know who.

16 (Exhibit 153, Interrogatories, were  
17 marked for identification.)

18 Q (By Mr. Wyrsh) Showing you what's going to  
19 be marked as Exhibit 153, which are the responses to  
20 the interrogatories of Alex and Iris Nelson, the  
21 second set.

22 Based on your earlier answers, I'm assuming  
23 you were involved in responding to these?

24 A Correct.

25 Q So the first question -- we're going to have



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1 to go back and forth here a bit. I'm sorry. If you  
2 trust me, I'll -- I'll read to you -- I'm going to  
3 show you the other picture and I'll read to you what  
4 the responses were.

5 A Okay.

6 Q All right. So in the interrogatory  
7 responses, we asked you identify each of those  
8 officers. Officer 1 right here we previously  
9 identified as Lieutenant Piatchek; is that correct?

10 A Correct.

11 Q All right. And then officer 2, that's Joe  
12 Busso?

13 A Correct.

14 Q Three is officer -- or Detective Burle?

15 A Correct.

16 Q Officer 4 is Sergeant Rossomanno?

17 A Correct.

18 Q And then officers 5, 6, 7, and 8 you stated  
19 that you do not know their identities. Is that still  
20 true?

21 A Yeah, from this angle, that's correct.

22 Q Is there another angle that would be more  
23 helpful?

24 A Well, I guess from the RebZ footage here,  
25 just because I -- I'm not sure exactly -- I mean, I

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1 know that the -- the approximate time and space, but  
2 comparing that to other video, I can't tell you who  
3 those officers are.

4 Q Okay. I mean, did you -- did you look at  
5 these while looking at other video to --

6 A Correct. I tried to look at video from  
7 various different angles in an attempt to identify  
8 officers.

9 Q And you weren't able to do that with these  
10 four?

11 A Correct.

12 Q And then this is attachment 2 to Exhibit  
13 153. And officer 1 here you said you did not know the  
14 identity of that person. Is that still correct?

15 A Correct.

16 Q And then officer 2 you say you were not --  
17 not able to identify them other than they appear to be  
18 a sergeant?

19 A Yeah, and that was correct at the time. But  
20 now I believe that that is Sergeant Joe Lankford.

21 Q Okay. Which you previously -- previously  
22 pointed out in another video?

23 A Correct.

24 Q And then attachment 3, you were unable to  
25 identify the person circled there. Is that still

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1 correct?

2 A Correct.

3 Q And here? Any of the -- either of the  
4 circled officers, no?

5 A No.

6 Q And then attachment 4, is that Lankford?

7 A Yes.

8 Q Previously you weren't able to identify them  
9 but now you are?

10 A Correct.

11 Q All right. Okay. So -- all right. In  
12 response to -- this is still Exhibit 153 -- response  
13 to interrogatory 3, you state that Officers Rachas,  
14 Burton, Detective Walsh, and Officer Davis had  
15 physical contact with Alex or Iris Nelson on the  
16 evening of September 17, 2017.

17 Can you talk to me about that?

18 A Yeah.

19 Q Starting with Rachas.

20 A I'm sorry?

21 Q Let's start with Rachas.

22 A Yeah. Rachas and Burton, I observed them  
23 on -- I believe it's the Real Time Crime Center  
24 footage. They appeared to go into the direction of  
25 where I observed Alex and/or Iris Nelson and it

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1 appeared to me that they had the initial contact with  
2 both.

3 Q Anything else you remember about that?

4 A I've spoken with both Rachas and Burton and  
5 they identified themselves on the video and had some  
6 recollection of, I believe, placing Alex Nelson in zip  
7 ties or flex cuffs.

8 Q They both recalled that?

9 A I believe so. I know -- yes, I believe so.

10 Q Anything else that they said about their  
11 interactions with Alex or Iris Nelson?

12 A Not that I recall.

13 Q What about Detective Walsh?

14 A I believe Detective Walsh had ahold of Iris  
15 Nelson and then may have -- on video it looked like he  
16 let go of her to address something else that may have  
17 been -- some type of incident occurring with Alex  
18 Nelson.

19 Q What incident with Alex?

20 A I guess his being placed into flex cuffs or  
21 zip ties.

22 Q Okay. Was there -- was there something that  
23 happened when you refer to an incident, other than  
24 being placed in zip cuff?

25 A I don't know that he -- he may have somehow

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1 resisted in some way or not been completely compliant  
2 is my understanding in speaking with the officers.

3 Q Okay. Officer Davis?

4 A Officer Davis has his photograph taken with  
5 Alex Nelson and I guess was the last officer to be --  
6 it's my understanding that Alex Nelson was kind of  
7 handed off from officer to officer on several  
8 occasions before he wound up in Officer Davis'  
9 custody.

10 Q Anything else with Detective Walsh and  
11 Officer Davis on the contact with Alex or Iris Nelson?

12 A I don't believe so.

13 Q And they don't recall anyone else being  
14 involved in the hands on or having physical contact  
15 with or zip tying either Alex or Iris Nelson?

16 A Correct.

17 Q On the police report, Jeremy Davis is listed  
18 as the arresting officer for Alex Nelson.

19 A Correct.

20 Q For Iris McLain Nelson, it's listed as James  
21 Harris; is that right?

22 A I believe so.

23 Q Did you talk to James Harris?

24 A I believe I have, yes.

25 Q Do you recall what, if any, contact James

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1 Harris had with Iris Nelson?

2 A I believe that he indicated similarly, as  
3 Officer Davis indicated to me, that at some point,  
4 Iris Nelson was handed off to him and he was  
5 documented as the arresting officer.

6 Q So he did have custody of her for at least  
7 part of the time?

8 A Correct.

9 Q Okay. All right. So I'm showing you --  
10 MR. WYRSCH: Are we on 154? Is that right  
11 exhibit-wise?

12 VIDEOGRAPHER: Yes.

13 (Exhibit 154, Interrogatories, was  
14 marked for identification.)

15 Q (By Mr. Wyrsh) We're going to mark as  
16 Exhibit 154, which is -- share my screen -- your  
17 responses to the interrogatories for Mario Ortega.  
18 Looking to interrogatory 6, the question asked -- I'm  
19 sorry. Do you recognize the responses to the Ortega  
20 interrogatories?

21 A Yes.

22 Q You were involved with their drafting?

23 A I was.

24 Q Going down to interrogatory 5, your response  
25 is that Jarred Thacker zip cuffed plaintiff. What is

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1 the basis for that?

2 A I believe, based on my reviewing of the  
3 video, that was my understanding of the circumstances.

4 Q Did you talk to Officer Thacker about it?

5 A I may have spoken with him briefly on the  
6 phone. I don't believe I had the opportunity to meet  
7 with him in person.

8 Q What prevented you from meeting with him in  
9 person?

10 A I don't recall specifically if he was one of  
11 the officers that may have been on vacation or  
12 otherwise out when I initially attempted to reach him.  
13 And then just within the last couple months, there's  
14 really been no face-to-face contact due to the  
15 coronavirus pandemic.

16 Q Okay. Did you, I mean, attempt to do a Zoom  
17 call or something to show him videos and walk through  
18 them?

19 A No, I haven't. We -- we don't utilize Zoom  
20 as a department, and that hasn't been something that  
21 I've been able to do with him.

22 Q So have you talked to anyone in the last two  
23 months to prepare for this deposition --

24 A By phone.

25 Q -- other than the attorneys?

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1           A       I've -- I've spoken to -- the vast majority  
2       of people that I've spoken with have been long before  
3       this. This deposition was originally scheduled to  
4       occur kind of as it coincided with the beginning of  
5       all of this. So by and large, I was mostly prepared  
6       before. But since the time of, you know, late  
7       February, early March, I haven't had any face-to-face  
8       meetings with anyone.

9           Q       Okay. But you've had notice of this  
10      deposition for a couple weeks; right?

11          A       Long before that because, again, it was  
12      originally scheduled to occur, I think, in -- I -- I  
13      know it kept getting pushed back, but I think  
14      originally it was supposed to occur sometime in maybe  
15      as early as March or late February.

16          Q       Okay. So I'm -- I'm -- I'm -- you certainly  
17      have the ability, if you wanted to, to use something  
18      to be able to review things remotely?

19          A       I guess in theory. We don't have Zoom. I  
20      know some of our administrative staff utilizes  
21      Microsoft Teams. I don't know if all of our officers  
22      have access to that. But, yeah, I guess in theory.

23                 I know many of the videos that I have are  
24      far too large to share, you know, through e-mail or  
25      anything like that. I suppose it's possible that I



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1 could try to share that video over some type of, you  
2 know -- possibly over the Microsoft Teams application.  
3 I don't know if that's doable or not. I've never  
4 utilized Microsoft Teams that way.

5 Q It's fair to say you haven't tried to do it  
6 one way or the other?

7 A Correct. Remotely meet with someone to go  
8 over the video, no. In the last month and a half, two  
9 months, no.

10 Q So I guess it -- just -- just while we're on  
11 the topic -- other than in preparing for this  
12 deposition, in your -- in your duties, have you --  
13 have you made an attempt to investigate, determine who  
14 was involved, or was it all just in response to  
15 interrogatories and our 30(b)(6)?

16 A I guess I'm confused by the question.

17 Q Well, like how -- how long have you -- how  
18 long have you been attached to the City Counselor's  
19 Office in this role?

20 A Approximately since November of 2018, I  
21 believe.

22 Q Okay. So about a year and a half?

23 A Correct.

24 Q And you've been aware of the identity of the  
25 plaintiffs for that year and a half?

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1           A     Approximately, yeah.

2           Q     So I'm just -- you know, is everything  
3     you've done to investigate the identities of the  
4     persons involved, has that been in response to  
5     discovery requests or are you conducting your own  
6     independent investigation?

7           A     Both.

8           Q     So going back to Exhibit 154 and Jarred  
9     Thacker; so you -- you believe based on your view of  
10    the video that that's Jarred Thacker zip cuffing  
11    Mr. Ortega?

12          A     I believe so, yes.

13          Q     Okay. And while Officer Thacker hasn't  
14    viewed the video, he -- he's not -- you know you're  
15    not aware that he's contesting that he zip cuffed the  
16    plaintiff?

17          A     Not to my knowledge, no.

18          Q     Okay. So then on the next one,  
19    interrogatory 6, we asked -- we sent some screen shots  
20    over. I'm going to turn to those now. You see the  
21    screen shots we sent over?

22          A     Yes.

23          Q     So going to number 2, in the interrogatory  
24    responses you identified Brian Rossomanno. Is that --  
25    where -- where is Rossomanno in this?

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1           **A     Correct.**

2           **Q     This?**

3           **A     Yes.**

4           **Q     Okay.**

5           MR. WYRSCH: Screen shot that as 155.

6                   (Exhibit 155, Screen Shot, was marked  
7                   for identification.)

8           **Q     (By Mr. Wyrsh) And then you also identified**  
9           **Michael Mueller?**

10           **A     Yeah, I believe he's the individual with the**  
11           **white shirt and the black outer vest kind of in the**  
12           **bottom left. Yeah.**

13           MR. WYRSCH: Okay. So screen shot that as  
14           156.

15                   (Exhibit 156, Screen Shot, was marked  
16                   for identification.)

17           **Q     (By Mr. Wyrsh) And either of the other two**  
18           **officers in the box do you recognize?**

19           **A     I believe where the pointer is right now,**  
20           **I -- I believe that to be Detective Steven Walsh.**

21           MR. WYRSCH: Screen that -- screen shot that  
22           as 157.

23                   (Exhibit 157, Screen Shot, was marked  
24                   for identification.)

25           **A     And without seeing the entire -- like it's**

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1 my understanding that that's kind of a -- a piece of  
2 the overall screen at that point.

3 Q (By Mr. Wyrsh) Okay.

4 A If I could see the full screen, I may be  
5 able to say with absolute certainty. But that may  
6 be -- who you were just highlighting may be Officer  
7 Burton.

8 MR. WYRSCH: Screen shot that as 158.

9 (Exhibit 158, Screen Shot, was marked  
10 for identification.)

11 Q (By Mr. Wyrsh) Here in -- this is  
12 attachment 3 to Exhibit 154. You've identified  
13 Michael Mueller?

14 A Correct.

15 Q And Samuel Rachas?

16 A Further to the right.

17 Q This one?

18 A Correct.

19 Q And then Keith Burton?

20 A Correct.

21 Q Okay.

22 MR. WYRSCH: So I guess we should -- just  
23 to -- for the record, 159 will be Mueller.

24 (Exhibit 159, Screen Shot, was marked  
25 for identification.)

1           **Q       (By Mr. Wyrsh) Correct?**

2           **A       Correct.**

3                   MR. WYRSCH: And we'll make this one as  
4 Rachas and that's 160.

5                               (Exhibit 160, Screen Shot, was marked  
6 for identification.)

7           **Q       (By Mr. Wyrsh) And then this is Burton?**

8           **A       Correct.**

9                   MR. WYRSCH: And that's 150- -- 161.

10                           (Exhibit 161, Screen Shot, was marked  
11 for identification.)

12           **Q       (By Mr. Wyrsh) Any other officers over here**  
13 **that you recognize?**

14           **A       No.**

15           **Q       This officer?**

16           **A       Can you move the cursor down a little? I**  
17 **believe that that's Sergeant Rossomanno.**

18                   MR. WYRSCH: Mark that as 162. Sergeant  
19 Rossomanno.

20                           (Exhibit 162, Screen Shot, was marked  
21 for identification.)

22           **Q       (By Mr. Wyrsh) All right. Now we're going**  
23 **to go to attachment 4 to Exhibit 154. Joseph Busso is**  
24 **identified in the responses. Is that that person?**

25           **A       Correct.**

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1 MR. WYRSCH: Screen shot that as 163.

2 (Exhibit 163, Screen Shot, was marked  
3 for identification.)

4 Q (By Mr. Wyrsh) There are others over here.  
5 Who is that here?

6 A Detective Burle.

7 Q Okay.

8 MR. WYRSCH: Screen shot that as 164.

9 (Exhibit 164, Screen Shot, was marked  
10 for identification.)

11 Q (By Mr. Wyrsh) And then are these the two  
12 we talked about before?

13 A Yeah, I -- I believe that that's, on the  
14 right there, now captain and retired -- or I'm sorry,  
15 then lieutenant, Mike Mueller. And then to the left,  
16 that, I believe, is Officer Rachas.

17 Q Okay. Anyone in this group that you  
18 recognize?

19 A I believe kind of closest to us -- yeah,  
20 right there -- I believe that that would be Burton.

21 Q And then attachment 5 to Exhibit 154, you  
22 identify Jarred Thacker?

23 A Correct.

24 Q Where? Is that --

25 A Correct.

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1           **Q     Okay.**

2                   MR. WYRSCH: Screen shot that as number 165.  
3                               (Exhibit 165, Screen Shot, was marked  
4                               for identification.)

5           **Q     (By Mr. Wyrsh) And then this is attachment**  
6   **6 to Exhibit 154. That's Thacker there?**

7           **A     Correct.**

8                   MR. WYRSCH: We'll do that as Exhibit 166,  
9   screen shot.

10                       (Exhibit 166, Screen Shot, was marked  
11                       for identification.)

12           **Q     (By Mr. Wyrsh) And then attachment 7 to**  
13 **Exhibit 154, and, again, that's Thacker?**

14           **A     Correct.**

15           **Q     And this -- is this right around the time**  
16 **that he's getting zip tied?**

17           **A     I believe so.**

18                   MR. WYRSCH: Mark that as Exhibit 167.

19                       (Exhibit 167, Screen Shot, was marked  
20                       for identification.)

21           **Q     (By Mr. Wyrsh) And then eight, your -- are**  
22 **you able to identify who this officer is?**

23           **A     It may be Donnell Moore.**

24           **Q     Okay. Anyone else here?**

25           **A     No.**

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1           **Q     All right.**

2                   MR. WYRSCH: Why don't we go ahead and break  
3 for lunch.

4                   VIDEOGRAPHER: Going off the record. The  
5 time is 12:10.

6                               (Whereupon, a short lunch break was  
7 taken.)

8                   VIDEOGRAPHER: Going back on the record.  
9 The time is 12:47.

10           **Q     (By Mr. Wyrsh) Anything you need to update**  
11 **or change or correct from the morning session?**

12           **A     No.**

13                               (Exhibit 29, Video, was marked in a  
14 previous deposition and now identified  
15 for the record.)

16           **Q     (By Mr. Wyrsh) I'm going to show you what's**  
17 **been previously marked as Exhibit 29.**

18                               (The video was played.)

19                               (Exhibit 30, Video, was marked in a  
20 previous deposition and now identified  
21 for the record.)

22           **Q     (By Mr. Wyrsh) I'm showing you what's been**  
23 **marked as Exhibit 30.**

24                               (The video was played.)

25           **Q     (By Mr. Wyrsh) And have you seen this clip**



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1 before?

2 A Yeah, I believe that's one of the  
3 documentation footages.

4 (The video was played.)

5 Q (By Mr. Wyrsh) And all of this area, the --  
6 this is where I'll represent to you that Plaintiffs  
7 Rose and Ziegler, I think there's McLain. So let's --  
8 let's start here. Were -- were all arrested. Do --  
9 do you know who this person is?

10 A No.

11 Q Have you attempted to ascertain the identity  
12 of that person?

13 A Yes.

14 Q How did you go about trying to do that?

15 A Just in going over the various videos with  
16 the various officers that I met with.

17 Q Okay. Did -- how -- how many people did you  
18 think you met -- you met with?

19 A I don't know that I could put an accurate  
20 number on it. Dozens and dozens.

21 Q Did you -- did you keep a list?

22 A I'm sure at the time I may have. But, I  
23 mean, as I've checked off those lists, I simply  
24 disposed of those lists.

25 Q So -- so I'm sorry. You -- you said "at the

1 time." When was at the time?

2 A I don't know. I've been meeting with  
3 officers probably for the better part of a year.

4 Q Okay. While this litigation is pending?

5 A Correct.

6 Q Okay. And did you -- did you take notes of  
7 those conversations?

8 A I -- I did at the time, yes.

9 Q At the time of the interview?

10 A Yes.

11 Q All right. And so you -- you -- you kept a  
12 list and you had notes and -- and where are those  
13 notes now?

14 A I would have to go through my office to  
15 determine if I retained any of them. It's possible  
16 that I've disposed of some of them as well. I -- I  
17 don't know.

18 Q So you took notes in interviews of police  
19 officers in connection with this case and you may have  
20 destroyed them?

21 A I -- I would have to check my office.

22 Q And all these interviews occurred after you  
23 became placed with the City Counselor's Office?

24 A Correct.

25 Q So that was after November 18th?

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1           A     Correct.

2           Q     After litigation was already on file?

3           A     Yes.

4           Q     Well, I would ask you to please -- please do  
5     that and -- and let us know if you have -- you can  
6     confirm you destroyed a list of who you've  
7     interviewed?

8           A     No.

9           Q     Okay. You don't know?

10          A     I would have to check my office.

11          Q     Okay. Please do.

12               MR. LAIRD: At this point, I'm going to  
13     object to any -- probably premature to do it this way,  
14     but object to any discovery requests for notes for any  
15     interviews that were done outside of the context of  
16     obtaining information for interrogatories of a  
17     corporate rep deposition as those would be covered by  
18     the work product doctrine and/or attorney-client  
19     privilege.

20               MR. WYRSCH: Potentially, but you'd have to  
21     identify those. And if they're destroyed, that's a  
22     totally different matter. So I -- I -- you know --

23               MR. LAIRD: How is it a totally different  
24     matter? We were getting the information to respond.  
25     You don't just get to go through all of the notes.

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1 MR. WYRSCH: Well, we -- we can talk about  
2 that offline.

3 MR. LAIRD: I know.

4 MR. WYRSCH: Give me one second. Sorry.

5 MR. KHAZAELI: I leave for two minutes and I  
6 miss the fun stuff.

7 Q (By Mr. Wyrsh) So I guess I'm just trying  
8 to understand. So, I mean, is there any record you  
9 kept, you know, in order to prepare for this  
10 deposition of -- of, you know, for example,  
11 Ms. McLain, who you talked to and who you showed the  
12 video in order to ascertain who that officer was?

13 A I'm sorry. Could you repeat or rephrase the  
14 question?

15 Q All right. So for -- for example, for  
16 identifying -- we'll get to her in a second, I guess.

17 (The video was played.)

18 Q (By Mr. Wyrsh) So right here, this person  
19 here, you know that that's Iris Nelson?

20 A Correct.

21 Q Okay. So what steps did you take to try to  
22 identify who that person is?

23 A I don't know how to easily describe it. I  
24 mean, for the most part, I've met with officers, both  
25 individually, as well as when attorneys from the City

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1 Counselor's Office was present. In many of those  
2 meetings, it's not solely as it relates to one  
3 singular plaintiff. Many of these events are  
4 overlapping. So several plaintiffs would be discussed  
5 at the same setting.

6 In some of those -- I guess as it relates to  
7 solely trying to identify officers, meetings that I  
8 would conduct on my own, I would -- I haven't  
9 destroyed anything, but I also haven't taken notes on  
10 every single thing. I would have to look at, you  
11 know, internal correspondence to try and determine the  
12 officers that I've talked to and when I talked to  
13 them.

14 I don't have like a spreadsheet I can refer  
15 to or anything like a -- I don't know how best to  
16 answer who I met with, when I met with them. In some  
17 instances, meetings were scheduled. But in some of  
18 those instances, those were meetings that were  
19 scheduled for the City Counselor's Office, not  
20 necessarily for myself.

21 Q Okay. And I appreciate that. And -- and,  
22 you know, we -- we sent over a number of exhibits,  
23 including these video clips that we're looking at  
24 here, and we asked you to identify the persons who  
25 were involved in arrests hands on of the officers

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1 involved in these -- in these things and who  
2 interacted with our clients.

3 So I -- putting aside the conversations you  
4 had, what notes you took and whatnot, I'm just trying  
5 to understand the process you underwent to try to  
6 ascertain these names. And, you know, when you --  
7 when you have a picture of someone like this where  
8 there's someone standing next to her with cameras  
9 directly on the person, you say -- you tell us you  
10 haven't had -- you haven't figured out who it is.

11 I mean, what steps have you taken to try to  
12 do that? You know, who have you talked to and if that  
13 wasn't successful, why didn't you talk to more people  
14 until you found out who it was?

15 A I guess the best way to answer that would be  
16 that there were literally hundreds of people that were  
17 assigned to the civil disobedience teams. I've done  
18 everything I could think to do in an attempt to  
19 identify those individuals short of bringing every  
20 single one individually in to go over all of the  
21 video, which would be, in my estimation, a nearly  
22 impossible task.

23 Q I mean, it's -- it's a finite number of  
24 people; correct?

25 A A finite number of people in the hundreds,

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1     yes.

2           Q     Okay. So you haven't talked to everyone who  
3     was there that night; is that right?

4           A     Correct.

5           Q     So the person who may be depicted here just  
6     might be someone you didn't talk to?

7           A     Conceivably.

8           MR. WYRSCH: Can we screen shot this at --  
9     is this 168?

10          VIDEOGRAPHER: 168, yeah.

11                   (Exhibit 168, Video, was marked for  
12                   identification.)

13          Q     (By Mr. Wyrsh) And sitting here today, you  
14     can't tell me which officers you showed this to in  
15     order to try to identify who that is?

16          A     Correct.

17                   (The video was played.)

18                   (Exhibit 37, Video, was marked in a  
19                   previous deposition and now identified  
20                   for the record.)

21          Q     (By Mr. Wyrsh) I'm going to show you what  
22     we've marked as -- what we've marked as Exhibit 37.  
23     I'll first bring your attention to this person. Do  
24     you recognize that as Plaintiff Alex Nelson?

25          A     Correct.

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1           Q     Okay. And, again, I just -- same question  
2     for -- for that. You have not been able to identify  
3     the person with the stick; correct?

4           A     Correct.

5           Q     Or baton. And do you have a record as -- do  
6     you know which officers specifically you talked to to  
7     find out who this person might be?

8           A     Specifically, no.

9                     (The video was played.)

10          Q     (By Mr. Wyrsh) All right. And this person  
11     right here, do you recognize that person?

12          A     Not from this angle, not currently, no.

13          Q     Okay.

14                     (The video was played.)

15          Q     (By Mr. Wyrsh) I'll represent to you that  
16     that's Plaintiff Ortega?

17          A     Okay.

18          Q     And aside from what we've talked about  
19     before, you're not able to identify who's in that  
20     video with him?

21          A     It appears to be a CDT officer at that  
22     point, but, no, I'm not.

23                     (Exhibit 23, Video, was marked in a  
24                     previous deposition and now identified  
25                     for the record.)



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1           Q       (By Mr. Wyrsh) Okay. And this is another  
2 angle we've previously marked as Exhibit 23. Have you  
3 seen this video before?

4           A       It appears to be the -- one of the  
5 documentation videos.

6           Q       You say the documentation. Have you looked  
7 at these actual clips, though, that we made?

8           A       Yes, I've -- I've looked at the clips you  
9 made, as well as the videos that they've originated  
10 from.

11          Q       Okay.

12                       (The video was played.)

13          Q       (By Mr. Wyrsh) So right in here, we can see  
14 Alex Nelson. There's a whole bunch of people around  
15 him. Other than those you've identified in the  
16 interrogatory responses, is there anyone else that  
17 you're -- the identity of any of those people you  
18 talked to?

19          A       Could you bring up the interrogatory  
20 responses and show who was identified in those?

21          Q       Sure. This is what we previously marked as  
22 Exhibit 153. And you mentioned in interrogatory  
23 number 3 that Rachas, Burton, Walsh, and Davis had  
24 physical contact with either Alex or Iris Nelson.

25          A       Correct.

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1           Q     Anyone else beside that out of all these  
2 people?

3           A     I don't believe so.

4           Q     And when you spoke to these officers, did  
5 you -- did you speak with specific teams of people or  
6 sergeants of teams and try to, you know, get the  
7 vicinity of where...

8           A     Yes.

9           Q     Okay. So do you remember -- do you remember  
10 what teams you spoke to about the Nelsons?

11          A     Specifically about the Nelsons, no. But at  
12 various points in time, I've spoken with nearly all  
13 the teams from, I believe, Central Patrol. I've --  
14 I've spoken to countless individuals and -- and  
15 numerous teams in their entirety.

16          Q     Okay. And in -- I mean, I guess, what -- I  
17 guess I'm trying to understand, did you -- did you try  
18 to like connect, you know, where certain groups were  
19 or arrest teams and try to narrow in on specific  
20 plaintiffs, either based on the arrest report or  
21 something else?

22          A     All of the above. I -- I reviewed all the  
23 various video footages. I attempted to make whatever  
24 identifications I could personally. And then from  
25 there branched out to potentially the teams that those

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1 individuals were a part of. The supervisors of those  
2 teams. You know, if -- if I believed it to be an  
3 arrest team, try to discern which arrest team and  
4 speak to arrest teams from various teams. I've done  
5 all of the above.

6 Q Is it fair to say that most of the people  
7 that you've identified you identified on your own  
8 through your own video review?

9 A I don't know if I would say most. There  
10 certainly have been identifications that were made  
11 with the assistance of other officers that I spoke  
12 with. But I have made identifications on my own  
13 that -- that the majority of which were then confirmed  
14 in speaking with those individuals, with the exception  
15 of, I think, Jason Brandhorst would be an example.

16 Q Okay. And -- and on him, is he -- did --  
17 did he like -- I'm trying to understand what -- what  
18 his dispute was, that -- that he just thinks he was in  
19 a different place, he had a different outfit on?  
20 What -- what made him think to your -- that -- when he  
21 expressed to you that he was not the person depicted?

22 A I don't recall all of the specifics. But, I  
23 think, for instance, he indicated that the individual  
24 in the video was wearing a wristwatch on his left  
25 wrist and that it's his recollection at that time he

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1 was not wearing a wristwatch. There may have been  
2 other examples that he gave me, but that -- that's one  
3 that sticks out as I sit here.

4 Q Okay. Sorry. I -- I -- sorry about that.

5 I'm showing you again Exhibit 23. And I  
6 want you to pay attention over here in this area here.  
7 You see Alex -- or Iris Nelson right there?

8 A Okay.

9 Q You see her?

10 A Yes.

11 Q Okay.

12 (The video was played.)

13 Q (By Mr. Wyrsh) So the person who gets kind  
14 of right -- right down there, it's this person who's  
15 kind of rolling down to the ground right here. Do you  
16 see where --

17 A Yes.

18 Q Is that -- that's Alex Nelson; right?

19 A I believe so.

20 Q And do you know who was involved in that  
21 altercation right there, who has their hands on him at  
22 that point?

23 A I believe it to be Rachas and Burton.

24 Q Right here?

25 A I don't know if -- if that officer there is

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1 Rachas or Burton or possibly if that was Walsh.

2 Q Okay. Did you talk to them about whether  
3 they were -- they had -- did you show them that part  
4 of the video and ask them to confirm if they were  
5 involved with it?

6 A I -- I showed them several different videos.  
7 But, yes, it's my understanding that Rachas and Burton  
8 were the ones to initially make contact with Nelson,  
9 and that at some point, Walsh became involved as well.

10 Q Okay. All right. I'll show you what we're  
11 marking as Exhibit 169.

12 (Exhibit 169, Interrogatories, were  
13 marked for identification.)

14 Q (By Mr. Wyrsh) These are the responses to  
15 the Newbold interrogatories. Is this your signature?

16 A Yes.

17 Q So for number 3, you state that identify the  
18 SLMPD officer responsible for zip cuffing Mr. Newbold  
19 and you stated that was Lance Coats?

20 A Correct.

21 Q Is that who you were referring to before --

22 A I -- I believe so, yes.

23 Q And then we will -- this interrogatory 6  
24 refers to a number of attachments. I'm going to show  
25 you what are the attachments to Exhibit 169. Starting

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1 at Exhibit 2, you identify Busso and Burle?

2 A Yes.

3 Q And you -- is that Busso here?

4 A Correct.

5 Q And then Burle here?

6 A Correct.

7 Q Okay. So any -- any other officers in this  
8 photo that you recognize now?

9 A I believe if we're looking at kind of the  
10 bottom of the box, I believe all the -- like the  
11 officer in the blue uniformed shirt with the black  
12 outer vest to the left there.

13 Q Mm-hmm. This?

14 A Yeah, that may be Burton.

15 Q Okay.

16 A And then the officer in the -- the blue  
17 uniformed shirt with no outer vest would be Rachas.  
18 And then the individual in the white shirt kind of  
19 raising his arm I believe may be Mueller.

20 REPORTER: Who?

21 THE WITNESS: Mueller.

22 Q (By Mr. Wyrsh) Okay. Mueller. Okay. So  
23 just -- okay. So we're -- is it -- I'm sorry. Let's  
24 go briefly off the record.

25 VIDEOGRAPHER: Going off the record. The

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1 time is 1:22.

2 (Whereupon, a short break was taken.)

3 VIDEOGRAPHER: Going back on the record.

4 The time is 1:22.

5 Q (By Mr. Wyrsh) I'm showing you now  
6 attachment 3 to Exhibit 169. There's a circle and  
7 that person's been identified as Joseph Busso; is that  
8 correct?

9 A Yes.

10 Q And then attachment 4 to Exhibit 169, the  
11 person with this brown pack, that's Lance Coats?

12 A Correct.

13 MR. WYRSCH: I guess go ahead and screen  
14 shot that one as 170.

15 (Exhibit 170, Screen Shot, was marked  
16 for identification.)

17 Q (By Mr. Wyrsh) Okay. Five, I believe, the  
18 box is there to show you Mr. Newbold.

19 All right. In Newbold 7, the  
20 interrogatories identify Busso, Mueller, Rachas, and  
21 Burton again. And we can see Busso here?

22 A Correct.

23 Q Mueller?

24 A No, I believe Mueller is to the left. I  
25 believe that's Rachas.

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1 Q Okay. Rachas. Then?

2 A Burton. And then so above Burton -- yeah,  
3 in the white shirt would be Mueller. And directly  
4 between them -- I -- I can't say.

5 Q And this person here?

6 A I don't know.

7 Q And then Newbold 8 is a person here, says  
8 you're unable to identify --

9 A Yeah, the way that that's so zoomed in and  
10 the rest of the imagery is -- is gone, I can't.

11 Q Here you had Busso and -- this is, sorry,  
12 attachment 9 to Exhibit 169. You list Busso and  
13 Coats?

14 A Correct.

15 Q So is this Coats?

16 A Yes.

17 Q And that's Busso?

18 A Correct.

19 Q All right. Attachment 10 to Exhibit 169,  
20 Coats?

21 A Correct.

22 Q Burle?

23 A Yes.

24 Q Attachment 11 to Exhibit 169, Mueller?

25 A Yes.



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1 Q Burle?

2 A Yes.

3 Q And then you say Coats. I'm not sure --

4 A I believe -- I -- it's difficult to make out  
5 here, but I thought between Mueller and Burle, Coats  
6 was visible.

7 Q Okay.

8 A But it's difficult to see here.

9 Q Do you -- do you not have a -- I guess you  
10 said you don't have an iPad and there's no device for  
11 you to --

12 A Correct. I have no device in front of me.  
13 Just a large screen television at the end of the room.

14 Q Okay. You were supposed to have a device;  
15 so I apologize.

16 All right. So on to 12, this is attachment  
17 12 to Exhibit 169. You're unable to ascertain which  
18 identities being requested. Do -- do you recognize  
19 any in this grouping starting here?

20 A Yeah, that -- that would be Burton. I can't  
21 say.

22 Q Mueller?

23 A That may be Mueller and then kind of out of  
24 the box but down on the bottom right, Rachas.

25 Q Okay. Do you know we know who this is?

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1 A No.

2 Q And then 13, the officer taking Mr. Newbold  
3 out, do you recognize that person?

4 A No.

5 Q Similar as to the Nelsons, do you have -- I  
6 mean, can you -- can you sit -- sit here and tell us  
7 today who you talked to to try to ascertain who that  
8 was?

9 A Specifically, no.

10 (Exhibit 27, Video, was marked in a  
11 previous deposition and now identified  
12 for the record.)

13 Q (By Mr. Wyrsh) All right. Let me show you  
14 what's been marked as -- already marked as Exhibit 27.  
15 Another angle here. Right here.

16 (The video was played.)

17 Q (By Mr. Wyrsh) The person here, do you  
18 know -- are you able to identify who that is?

19 A No.

20 Q Is there any markings on him or her so  
21 that -- give you any clue as to what team they might  
22 be on or what...

23 A No, not that I can see.

24 (The video was played.)

25 (Exhibit 171, Interrogatories, was

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1 marked for identification.)

2 Q (By Mr. Wyrsh) All right. We'll go ahead  
3 and mark as Exhibit 171 -- showing you what's been  
4 provided as the supplemental responses and objections  
5 to plaintiff's first set of interrogatories for  
6 Jonathan Ziegler. Are you familiar with Mr. Ziegler?

7 A Yes.

8 Q Do you -- I assume you're aware that he's  
9 the creator of what we refer to as the RebZ video?

10 A Yes.

11 Q So in response to interrogatory number 1,  
12 there's reference to identify officers depicted in the  
13 photograph as labeled attachment 1. And we can -- I  
14 will bring up attachment 1 now.

15 This is attachment 1 to Exhibit 171, Ziegler  
16 interrogatories. The response says identify all SLMPD  
17 officers depicted in the photographs. And the answer  
18 is limited to Kiphart and Burle. Is that even  
19 correct?

20 A Can I read the question again?

21 Q Yeah, I wish I could show you both at the  
22 same time.

23 A Yeah. Because I thought the question said  
24 something about deploying mace.

25 Q So this one's --

1           A       And I think that's why Burle was included in  
2       the answer.

3           Q       Yeah, this is -- so it says please identify  
4       all SLMPD officers depicted in this photograph as  
5       labeled attachment 1. And then for each one, whether  
6       they -- they deployed pepper spray.

7           A       Well, I think -- I think what happened was  
8       if you look at B.

9           Q       Mm-hmm.

10          A       Whether any of the identified employees  
11       deployed pepper spray or responded to the -- or  
12       reported -- I'm sorry -- the deployment of pepper  
13       spray, I think that's why Burle shows up in A. So  
14       that's an error, I guess. In -- in the photograph, I  
15       think the only identification that can be made is  
16       Lieutenant Kiphart.

17          Q       Okay. So let me go back to that. And you  
18       think this is Kiphart?

19          A       Correct.

20          Q       All right. And is there anyone else in this  
21       photo?

22          A       No. And I guess contextually, just looking  
23       at the video, or that -- that picture, just looking at  
24       it, I can't -- I guess had I not had a better  
25       understanding of other video and all the circumstances

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1 surrounding when this picture was taken, I wouldn't be  
2 able to identify Kiphart based solely on this picture.  
3 But because --

4 Q Sure.

5 A -- I contextually have a better  
6 understanding of what's happening, I can tell you that  
7 right there front and center is Lieutenant Kiphart.

8 Q Okay. And this is a sergeant? The three  
9 stripes --

10 A It -- yeah, it has chevrons, I would assume  
11 it would be a sergeant. But I can't tell you which  
12 sergeant.

13 Q But Burle is not in this photo?

14 A Correct, Burle is not in that photo. Burle  
15 also deployed mace and I think that's where the -- the  
16 confusion came in in the response.

17 Q Understood. And that -- to be clear, we --  
18 I think we -- in the first morning, we went through a  
19 spray that Burle did?

20 A Correct.

21 Q Is that the -- is that the only instance of  
22 pepper spray you're aware of that Burle deployed, the  
23 one that we saw earlier, or are there multiple ones  
24 with Burle?

25 A I believe that the mace directed at Ziegler

1 is the only mace that I've observed Burle deploying.

2 Q Your understanding is it was directed at  
3 Ziegler?

4 A That's my understanding, yes.

5 Q And did you get that understanding from  
6 Mr. Burle?

7 A Yes.

8 Q So going back to interrogatories, asking for  
9 everyone in number 2, which is that picture. And the  
10 question is identify all officers depicted in the  
11 photograph. And the response is the two officers are  
12 Timothy Bockskopf on the left and Burle on the right  
13 holding the card?

14 A Correct.

15 Q So -- so I'm clear for our record here,  
16 that's Burle there?

17 A Correct.

18 MR. WYRSCH: We'll do a screen shot of that  
19 at 172.

20 (Exhibit 172, Screen Shot, was marked  
21 for identification.)

22 Q (By Mr. Wyrsh) And this is Bockskopf?

23 A Bockskopf, yes, correct.

24 Q And here pictured Bockskopf on the second  
25 page?

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1 A Correct.

2 Q All right. So -- and Burle is listed as --  
3 well, sorry. Scratch that.

4 In -- in response to request number 2, sub  
5 part B, it was asked whether the identified individual  
6 seized, zip cuffed or physically interacted with  
7 Mr. Ziegler while he was on the sidewalk. And the  
8 response is Officer Burle did deploy a pepper spray at  
9 or near plaintiff. He's also in the photo as the  
10 arresting officer; is that correct?

11 A Correct.

12 Q Did Officer Burle -- was he involved in the  
13 zip tie and the seizure?

14 A Not to my knowledge.

15 Q You do not know who is -- who was?

16 A Correct.

17 Q Did you speak with Officer Burle about that  
18 interaction?

19 A I did.

20 Q And ask him whether or not he knew who zip  
21 tied him?

22 A I did.

23 Q He did not know?

24 A Correct.

25 Q And then also -- also Detective Burle in

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1 response to interrogatory 5 was the person who picked  
2 up Plaintiff Ziegler's camera and placed it into  
3 plaintiff's bag; is that correct?

4 A Yeah. And that was, I guess, believed to be  
5 correct at the time of the interrogatory. I think in  
6 a subsequent conversation I had with Detective Burle,  
7 it's not clear if he physically picked the camera up  
8 or simply informed Mr. Ziegler where the camera was  
9 located in his bag.

10 Q And when did you have that conversation?

11 A Maybe in February.

12 Q Okay. Were you aware that these responses  
13 were supplemented on Friday, May 8, 2020?

14 A I don't recall.

15 Q Okay.

16 MR. WYRSCH: We can go off the record for a  
17 couple minutes. Five minutes.

18 VIDEOGRAPHER: Going off the record. The  
19 time is 1:39.

20 (Whereupon, a short break was taken.)

21 VIDEOGRAPHER: All right. Going back on the  
22 record. The time is 1:45.

23 Q (By Mr. Wyrsh) Okay. I'm going to show  
24 you -- going back to Exhibit 24. This is, I'll  
25 represent, two videos spliced together. Pay attention



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1 over in this area.

2 (The video was played.)

3 Q (By Mr. Wyrsh) There's a person being --  
4 it's kind of hard to see, but sort of -- right here,  
5 grabbed this person here, taken from -- do -- are  
6 you -- do you see what I'm talking about?

7 A No.

8 Q Okay. Follow the person.

9 A Okay.

10 Q I'm sorry. Totally wrong person. This  
11 person. Right here. This right here.

12 A Okay.

13 Q Grabs someone and kind of tosses them.  
14 Right here. Let's try it from a different angle  
15 perhaps.

16 (The video was played.)

17 Q (By Mr. Wyrsh) That person right there.

18 A Yes.

19 Q Is that -- is that Plaintiff Newbold?

20 A I believe so.

21 Q And is the person grabbing him and throwing  
22 him like that, at least one of those, Busso?

23 A No.

24 Q What?

25 A No.

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1 Q Okay. Who -- who -- who has -- who has  
2 their hands on Newbold there?

3 A I believe at that point it's Officer Lance  
4 Coats and possibly Detective Burle as well.

5 Q Oh, because of the backpack?

6 A Correct.

7 Q All right. Is that Burle right there?

8 A Correct.

9 Q Okay. Okay. So I'm going to go back a  
10 second. All right. So this person right here is  
11 Coats?

12 A Correct. Busso, for reference, is to his  
13 right.

14 Q This person?

15 A Correct.

16 Q Okay.

17 MR. WYRSCH: So I'm going to go ahead and  
18 screen shot that at 173.

19 (Exhibit 173, Screen Shot, was marked  
20 for identification.)

21 Q (By Mr. Wyrsh) And at that point, that's --  
22 this is -- this is Coats right here?

23 A Yes.

24 Q And this is Burle?

25 A Correct.

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1 Q All right.

2 MR. WYRSCH: We'll screen shot Burle at 174.

3 (Exhibit 174, Screen Shot, was marked  
4 for identification.)

5 Q (By Mr. Wyrsh) Thank you for that  
6 clarification.

7 All right. I'm sorry. Between this  
8 point -- this is back on Exhibit 26.

9 (The video was played.)

10 Q (By Mr. Wyrsh) Between this point when he's  
11 walked out, do you know which officers interacted with  
12 him, Mr. Newbold?

13 A No.

14 Q Anyone else besides Coats and Burle?

15 A Not to my knowledge.

16 (Exhibit 175, Interrogatories, were  
17 marked for identification.)

18 Q (By Mr. Wyrsh) All right. So I'm showing  
19 you what we've marked -- produced as -- this will be  
20 Exhibit 175. The interrogatory responses to  
21 Christopher Robinson -- Robertson.

22 The interrogatory 3 request is all SLMPD  
23 officers who made physical contact with Mr. Robertson.  
24 And the response is that Officer Daniel Chamblin was  
25 the officer listed as the arresting officer and that

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1 defendant is still investigating who else had any  
2 physical contact with plaintiff.

3 So do you know what role Chamblin had in  
4 Robertson's arrest?

5 A No.

6 Q Did you talk to Officer Chamblin?

7 A I don't believe so. Officer Chamblin is no  
8 longer with the police department.

9 Q When did he leave the department?

10 A I don't know an exact date. I believe maybe  
11 in 2018.

12 Q Do you know where he ended up?

13 A I believe he's with another law enforcement  
14 agency, but I don't know -- I don't know where.

15 Q Did you make any attempt to contact him?

16 A I don't recall.

17 Q Since this deposition was noticed, did you  
18 make any attempt to contact him?

19 A I don't believe so.

20 Q Why not?

21 A He's not currently employed with the police  
22 department. I don't -- I don't recall specifically if  
23 I didn't have a good contact number for him or -- or  
24 what the reasoning was.

25 Q Okay. I mean, there are databases that show

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1 where police officers are employed; correct?

2 A I don't know.

3 Q Did you attempt to contact department of  
4 human resources to find out if they had a last known  
5 phone number or forwarding address?

6 A I may have. I don't recall.

7 (Exhibit 28, Video, was marked in a  
8 previous deposition and now identified  
9 for the record.)

10 Q (By Mr. Wyrsh) Okay. Let me show you  
11 what's been marked as Exhibit 28.

12 (The video was played.)

13 Q (By Mr. Wyrsh) All right. In the top right  
14 corner over here, a couple officers come in, in the  
15 white shirt and then this person here. Do you know  
16 who those officers are?

17 A I believe -- if you go back again, I believe  
18 the white shirt is Lieutenant Paul Piatchek.

19 Q This person?

20 A Correct.

21 MR. WYRSCH: Screen shot that as 176.

22 (Exhibit 176, Screen Shot, was marked  
23 for identification.)

24 Q (By Mr. Wyrsh) And then this officer right  
25 here?

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1 A Detective Richard Edwards.

2 Q Richard?

3 A It's either Edward or Edwards.

4 Q Okay. I forgot to ask you. I'm going to  
5 show you back Exhibit 154, the Ortega interrogatories.  
6 The -- do you remember officers listed on this --  
7 especially in -- in number 6, but the arresting  
8 officer for Ortega was Steven Walsh. Are you aware of  
9 that?

10 A Possibly. I -- I mean, if I saw the arrest  
11 photo or the arrest in the report, yes.

12 Q I'll show you right here.

13 A Yeah, I see it.

14 Q Did you -- have you talked to Detective  
15 Walsh about what interaction he had with Ortega?

16 A I may have. I can't -- I can't recall as I  
17 sit here. I know I've spoken with Officer Walsh. I  
18 believe we discussed his interaction with Ortega. But  
19 I can't -- I can't definitively say that at this time.

20 (Exhibit 47, Photograph, was marked in  
21 a previous deposition and now  
22 identified for the record.)

23 Q (By Mr. Wyrsh) I'm showing you what's been  
24 marked as Exhibit 47, which is a picture, arrest photo  
25 of -- of Plaintiff Ortega. Is -- is that Walsh in the

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1 photo?

2 A It is.

3 Q You said you may have talked to him, but you  
4 don't know what -- you don't remember his response?

5 A I know I've spoken with Detective Walsh as  
6 it relates to several different matters. As I sit  
7 here right now, I believe we discussed Mr. Ortega, but  
8 I -- I can't specifically recall that.

9 Q Sitting here now, you don't know what role,  
10 if any, Walsh had other than being named as the  
11 arresting officer in Mr. Ortega's arrest?

12 A Correct.

13 Q All right. So I'm showing you what are  
14 going to be -- am I on 177 or 178?

15 VIDEOGRAPHER: I'm sorry to interrupt.  
16 There was a disruption. I forgot to hit the resume  
17 for the recording.

18 MR. WYRSCH: Which part?

19 VIDEOGRAPHER: So it would have been from  
20 the last coming back on.

21 MR. WYRSCH: The last hour?

22 VIDEOGRAPHER: No, just the last 10 minutes  
23 or so.

24 MR. WYRSCH: Okay.

25 VIDEOGRAPHER: I apologize for that.

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1 MR. WYRSCH: Is there audio or...

2 VIDEOGRAPHER: There would not be any audio,  
3 no. Unless the court reporter has something set up  
4 in -- for herself.

5 MR. WYRSCH: Can you -- Rebecca, can you  
6 tell me what -- where we started? I guess we can go  
7 off the record now.

8 VIDEOGRAPHER: Yeah.

9 (Whereupon, a short break was taken.)

10 VIDEOGRAPHER: All right. Going back on the  
11 record. The time is 2:05.

12 Q (By Mr. Wyrsh) All right. So we're going  
13 to go back to Exhibit 24. We first asked you about  
14 24, from this angle, I know it's a little harder to  
15 see, but we see right in here where Mr. Gullet is  
16 taken.

17 A Mr. Gullet?

18 Q Sorry. Newbold.

19 A Yes.

20 Q That's him right in here. I'm going to go  
21 to Exhibit 26. And so now we're on Exhibit 26. I'm  
22 starting right here. This is Lance Coats; is that  
23 correct?

24 A Correct.

25 Q And is that Burle here?



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1           **A     Correct.**

2                   MR. WYRSCH: So go ahead, we'll do one  
3 more -- a cleaner screen shot there of number 178 of  
4 Coats. And 179 of Burle. 179 here.

5                               (Exhibit 178, Screen Shot, was marked  
6 for identification.)

7                               (Exhibit 179, Screen Shot, was marked  
8 for identification.)

9           **Q     (By Mr. Wyrsh) Hard to see this angle, but**  
10 **right here Burle is -- this is where Burle just**  
11 **deploys pepper spray; correct?**

12           **A     Yes.**

13                               (The video was played.)

14           **Q     (By Mr. Wyrsh) And then at this point,**  
15 **Coats appears to be dragging someone. That's**  
16 **Plaintiff Newbold; correct?**

17           **A     I believe so, yes.**

18           **Q     And with him to the left now is Burle?**

19           **A     Correct.**

20           **Q     I asked you this before, but just to**  
21 **clarify. So between this point and the time that**  
22 **Newbold is brought out of the scrum, you're not aware**  
23 **of anyone else who had interactions with him?**

24           **A     No.**

25                               (The video was played.)

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1           Q        (By Mr. Wyrsh) All right. All right. So  
2 going back to -- I think we marked this. This is  
3 going to be Exhibit 1- -- oh, I'm sorry. We still  
4 have to do one more video. This is one we covered  
5 before but was not videotaped.

6                    So this is what's been previously marked as  
7 Exhibit 4 -- 28. Here I asked you to identify two  
8 officers, one right here. You identified that as  
9 Officer Piatchek?

10           A        Correct.

11           Q        Or lieutenant. Sorry.

12           A        Yes.

13                   MR. WYRSCH: I'll do a screen shot there  
14 at -- we'll call that 180.

15                               (Exhibit 180, Screen Shot, was marked  
16 for identification.)

17           Q        (By Mr. Wyrsh) And then this officer here,  
18 Richard Edwards?

19           A        Correct.

20                   MR. WYRSCH: Screen shot that at 181.

21                               (Exhibit 181, Screen Shot, was marked  
22 for identification.)

23                               (Exhibit 182, Interrogatories, were  
24 marked for identification.)

25           Q        (By Mr. Wyrsh) Okay. All right. Now we're

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1 back to what is now 182, the interrogatory responses  
2 of the City to Plaintiff Brian Baude. And that is  
3 your signature there; correct?

4 A Yes.

5 Q In response to four, identifying all SLMPD  
6 officers who made physical contact with Mr. Baude,  
7 there's a series of screen shots. On these -- on the  
8 first screen shot, attachment 1 to Plaintiff's Exhibit  
9 182, person identified is Joseph Busso. Is that this  
10 person here?

11 A I believe so, yes.

12 Q And Baude 2, no one's identified. Baude 3,  
13 this person's identified as Jarred Thacker?

14 A Correct.

15 Q Do -- do you know what, if any, physical  
16 contact Busso and Thacker had with Baude?

17 A I do not.

18 Q Did you ask them if they had any physical  
19 contact with him?

20 A I don't recall.

21 Q Okay. Four, you were unable to identify  
22 anyone in this. Is that still the case?

23 A I guess if the focus was on the circled  
24 area, yes.

25 Q Five, also states you were unable to

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1 identify this person?

2 A Correct.

3 Q Six, this person's identified as Michael  
4 Mueller?

5 A Correct.

6 Q Are you aware of any physical contact that  
7 Mueller had with Plaintiff Baude?

8 A I am not.

9 Q Did you ask him if he had any physical  
10 contact with Baude?

11 A I don't recall.

12 Q Seven stated unable to identify; is that  
13 correct?

14 A Correct.

15 Q And nine, also unable to identify?

16 A Yeah. With the small pixilated frame, no,  
17 I -- I can't identify anybody with any accuracy there.

18 Q Okay.

19 MR. WYRSCH: Let's go off the record for a  
20 second.

21 VIDEOGRAPHER: Going off the record. The  
22 time is 2:15 -- or 2:16. I'm sorry.

23 (Whereupon, a short break was taken.)

24 VIDEOGRAPHER: Going back on the record.  
25 The time is 10:27 -- 2:27. I'm sorry.

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1 MR. WYRSCH: You ready?

2 THE WITNESS: Yes.

3 MR. LAIRD: We're ready.

4 VIDEOGRAPHER: We're already back on the  
5 record.

6 MR. WYRSCH: What's that?

7 VIDEOGRAPHER: Already back on.

8 MR. WYRSCH: Oh, sorry. Must have the  
9 volume down. My apologies.

10 Q (By Mr. Wyrsh) I did want to ask you about  
11 a couple back -- the arresting officer for Dillan  
12 Newbold is listed as Terrence Ruffin. Did you have  
13 any contact with Officer Ruffin about Mr. Newbold?

14 A I believe I spoke with him possibly over the  
15 phone.

16 Q Okay. Do you recall what, if anything, he  
17 said about his interaction with...

18 A That at some point in time, Mr. Newbold was  
19 handed off to him and he was documented as the  
20 arresting officer.

21 Q So Officer Ruffin is admitting that he at  
22 one point seized Mr. Newbold, but someone else zip  
23 tied him?

24 A Yeah, I don't know if I would say that  
25 Officer Ruffin seized Mr. Newbold. But at some point

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1 after Mr. Newbold was seized, he was, I guess,  
2 relinquished to Officer Ruffin's control.

3 Q Officer Ruffin had custody of him?

4 A At -- at some point for some brief period of  
5 time, yes.

6 Q And -- well, we don't know who the officer  
7 was who zip tied -- well, you -- you think it might be  
8 Coats and --

9 A I believe it's Officer Coats, correct. I  
10 believe, yes, Officer Coats and Detective Burle are  
11 seen, I guess, removing Mr. Newbold from the sidewalk.  
12 And then later Officer Coats is seen placing  
13 Mr. Newbold in zip ties or flex cuffs.

14 Q All right. And then for Plaintiff Baude,  
15 the arresting officer is listed as Bockskopf. Did you  
16 have any discussions with -- with him about Mr. Baude?

17 A Yeah. Essentially, I believe that he said  
18 something to the effect of he was told to take a  
19 photograph with Mr. Baude and later learned that he  
20 was documented as the arresting officer for Mr. Baude.

21 Q Did he put zip ties on Mr. Baude?

22 A No.

23 Q And do you know who did?

24 A No.

25 Q What -- any other conversations you had with

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1 anyone about trying to identify who arrested  
2 Mr. Baude?

3 A None that I specifically remember. Just,  
4 again, kind of generally when I would meet with  
5 officers, I would present them with photographs of  
6 many, if not all, of the plaintiffs and ask them if  
7 they recalled having any type of interaction with the  
8 plaintiffs.

9 Q Beyond photographs, I mean, did you show  
10 videos to them of the individual plaintiffs?

11 A I mean, I showed videos to many of the  
12 officers that I met with. I can't, as I sit here,  
13 specifically tell you which officers I presented which  
14 videos to. But generally, yes.

15 Q Oh, just so you know, on the break, we  
16 ascertained via Google that Officer Chamblin works in  
17 Hazelwood, if you need to contact him in the future.

18 Okay. Showing you what we're going to mark  
19 as -- I believe we're on 183.

20 (Exhibit 183, Interrogatories, were  
21 marked for identification.)

22 Q (By Mr. Wyrsh) These are not verified as  
23 well, but my understanding is you were involved in  
24 responding to these?

25 A Correct.

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1           Q     These are the interrogatory responses to  
2     Plaintiff Mark Gullet; correct?

3           A     Yes.

4           Q     In response to interrogatory 1 about  
5     deploying pepper spray on or near plaintiff's person,  
6     the response is Lieutenant Kiphart and Detective  
7     Burle; correct?

8           A     Correct.

9           Q     I'm assuming those are the same two pepper  
10    sprays we've seen earlier today in video?

11          A     Correct.

12                     (Exhibit 45, Photograph, was marked in  
13                     a previous deposition and now  
14                     identified for the record.)

15          Q     (By Mr. Wyrsh) Showing you what's been  
16    marked as Exhibit 45. That's -- does that depict  
17    Officer Koerper?

18          A     Yes.

19          Q     He's listed as the arresting officer --

20          A     He is.

21          Q     -- of Gullet? On interrogatory number 2 --  
22    excuse me -- you state that Defendant City does not  
23    believe that Officer Koerper actually seized or zip  
24    cuffed Plaintiff Gullet; however, Officer Koerper did  
25    interact with plaintiff and involved in securing



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1 plaintiff on the night of September 17, 2017.

2 What is the basis for that statement?

3 A I believe just the fact that he's documented  
4 as the arresting officer, he's photographed with him.  
5 And I know I wasn't able to meet with Officer Koerper  
6 in person. I believe I may have spoken with him by  
7 phone, but I can't recall specifically.

8 Q Do you know what he was doing the night of  
9 the incident, what his role was?

10 A I can't recall specifically which element he  
11 was assigned to, if he was -- I know he was on the  
12 North Patrol CDT team, but as to which element of that  
13 team, I don't recall.

14 Q In part C it says, Defendant City states  
15 that Officer Koerper was handed plaintiff for  
16 documenting purposes and when the documentation  
17 photograph was taken, Officer Koerper was securing  
18 plaintiff.

19 A Correct.

20 Q And you asked Officer Koerper who handed  
21 Mr. Gullet to him?

22 A I believe so, yes.

23 Q And he doesn't know?

24 A Correct.

25 Q Since these responses were made, has there

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1     been any additional information about Mr. Gullet?

2             A     No.

3             Q     I'm showing you what we're going to mark as  
4     Exhibit 184.

5                     (Exhibit 184, Interrogatories, were  
6                     marked for identification.)

7             Q     (By Mr. Wyrsh) These are the City's  
8     responses to the interrogatories of Fareed Alston.  
9     Did you prepare that document?

10            A     The document's not up on my screen.

11            Q     I apologize. Do you see it now?

12            A     Yes.

13            Q     And in interrogatory number 1, it references  
14     an attachment 1, and we'll view that in a second, but  
15     it states that Sergeant Long deployed the pepper spray  
16     depicted in attachment 1?

17            A     Yes.

18            Q     So just to clarify, we're talking this area  
19     here, you see a mist right there; is that right?

20            A     Correct.

21            Q     How did you ascertain that Sergeant Long was  
22     the one who deployed that spray?

23            A     Based on the statements of his use of mace  
24     and the police report, as well as a conversation that  
25     I had with him regarding it and looking at the video,

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1 essentially that's my belief. He states that he was  
2 in that general area, that he deployed mace at an  
3 individual under similar circumstances, but he can't  
4 definitively state whether or not that was him at that  
5 point in time in the video.

6 Q Okay. When did that conversation take  
7 place?

8 A Maybe January or February.

9 Q Okay. Just to be clear, the response here  
10 doesn't qualify this statement at all.

11 A Well, it's a belief. It's not presented  
12 as -- it's presented as a belief.

13 Q Okay. Did he offer -- did -- did you review  
14 the video with him to see if there was another place  
15 where he was shown deploying the pepper spray?

16 A That's the only location consistent with his  
17 statement that I've observed any mace being deployed  
18 in that manner.

19 Q So he wasn't able to identify another point  
20 where he deployed mace?

21 A Correct.

22 Q Do -- do you have any reason not to think  
23 that that's Sergeant Long?

24 A No.

25 Q So showing two -- attachment 2 to Exhibit

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1 184, that is Officer -- Mr. Myers; correct?

2 A Correct.

3 Q Do you know what, if any, interaction  
4 Officer Myers had with Mr. Alston?

5 A I do not.

6 Q Were you able to talk to Officer Myers?

7 A I have not.

8 Q Why have you not talked to Officer Myers?

9 A It's my understanding that he's retained  
10 private counsel and it was also my understanding that  
11 he would not be willing to speak with me.

12 Q So you know it's because of the pending  
13 criminal case?

14 A I'm not sure exactly why. That's just my  
15 understanding, that he has private counsel and he  
16 would not speak with me.

17 Q Okay. Thank you.

18 Interrogatory 6 states that Officer Chris  
19 Myers made physical contact with plaintiff. What is  
20 the basis for that statement?

21 A His presence and proximity in the photograph  
22 previously displayed.

23 Q Any -- any other video evidence?

24 A Not to my knowledge, no.

25 Q Okay. And since these responses were given,

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1     **have you -- have you learned anything else about**  
2     **anyone else involved in Plaintiff Alston's arrest?**

3             **A       No.**

4                     MR. WYRSCH: Can we go off the record for a  
5     minute?

6                     VIDEOGRAPHER: Going off the record. The  
7     time is 2:47.

8                             (Whereupon, a short break was taken.)

9                     VIDEOGRAPHER: All right. We are back on  
10    the record. The time is 2:49.

11                             (Exhibit 11, Video, was marked in a  
12                             previous deposition and now identified  
13                             for the record.)

14             **Q       (By Mr. Wyrsh) I'm going to show you what**  
15     **was marked as Exhibit 11 previously. I'm going to**  
16     **direct your attention to this area around here.**

17                             (The video was played.)

18             **Q       (By Mr. Wyrsh) Right here. Do you see this**  
19     **person here?**

20             **A       Yes.**

21             **Q       Do you recognize that as Plaintiff Alston?**

22             **A       I do.**

23             **Q       Do you know who is holding him at that**  
24     **point?**

25             **A       I do not.**

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1 Q And prior to that, he was on the ground?

2 A Correct.

3 Q He was lifted up to get to that point, did  
4 you see that in the video?

5 A I -- I recall seeing it other times I've  
6 watched this video. I don't -- I didn't see it just  
7 now.

8 Q Okay. Do you know anyone who was --  
9 interacted with him on the ground?

10 A I do not.

11 Q And you don't know the identity of the  
12 person who's carrying him now?

13 A Correct.

14 Q And I'll ask you the same questions. What  
15 steps did you take to try to ascertain who that was?

16 A And, again, generally, many of the officers  
17 that I spoke with talked about all of the plaintiffs,  
18 if they remembered any interactions with any of those  
19 individuals, went over various video. And till this  
20 time, I've been unable to identify the officer  
21 depicted or any officers interacting with Mr. Alston.

22 Q Okay. And -- and like, for instance, in  
23 this one, I mean, we know that this is right at the  
24 north line; correct?

25 A Correct.

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1 Q These are CDT, generally people on the north  
2 team?

3 A One would assume, yes.

4 Q Did you make an extra effort to talk to  
5 people on the north teams to see if you could identify  
6 who -- who it was?

7 A I did.

8 Q And do you remember who you talked to on the  
9 north teams?

10 A Specifically, no. But I know several of the  
11 elements of the North Patrol team to include the  
12 arrest teams for certain. I -- as I sit here right  
13 now, I don't recall specifically which elements I  
14 spoke with, but I know I spoke with multiple elements  
15 of the North Patrol teams.

16 Q Did you attempt to talk to every member of  
17 the arrest teams?

18 A Specifically the North Patrol arrest teams,  
19 I can't recall.

20 Q No, I mean all arrest team members.

21 A I may have.

22 Q Did -- did you, in fact, talk to all the  
23 members of the arrest teams?

24 A I know I -- certainly the Central Patrol  
25 team. I don't know if I -- I believe so.

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1           Q     You think you spoke to every member of the  
2     arrest teams?

3           A     The vast majority, certainly. As I sit  
4     here, I can't tell you if I have spoke with every  
5     single member of all arrest teams. But I have spoken  
6     with -- I think it would be accurate to say the  
7     majority of the members of the arrest teams.

8           Q     What did the -- why did the central team  
9     jump out at you?

10          A     Another matter that I've previously been  
11     deposed in.

12          Q     The Faulk matter?

13          A     Correct.

14          Q     You mentioned earlier that you -- you talked  
15     to most of the special ops people, but not all of  
16     them; is that correct? Or did you talk to all the  
17     special ops teams members?

18          A     No, I believe that's correct. Most, but not  
19     all.

20          Q     Why -- why did you not speak with all of  
21     them?

22          A     I guess it was just my belief in reviewing  
23     the video that there were some of them that I had no  
24     need to speak with.

25          Q     Even for elimination purposes?



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1           A       I suppose.

2           Q       Following up on Officer Myers here, just --  
3       just so we're clear on the record, Officer Myers is  
4       represented by the City in this particular case. Is  
5       it your pos- -- is it still your position that he  
6       refused to speak with you?

7           A       That was my understanding at the time that I  
8       was conducting interviews for this.

9           Q       Okay. And as far as Defendant [sic] Alston  
10      goes, you're not aware of any person -- any person who  
11      zip tied him -- you're not -- you're not aware of the  
12      person who zip tied Plaintiff Alston; correct?

13          A       Correct.

14          Q       You're not aware of any person who may have  
15      struck Plaintiff Alston with their hands or feet?

16          A       Correct.

17          Q       Show you what we marked as 185.

18                   (Exhibit 185, Interrogatories, were  
19                   marked for identification.)

20          Q       (By Mr. Wyrsh) I think I said this, but do  
21      you know who zip cuffed Alston?

22          A       No.

23          Q       All right. Showing you what's been marked  
24      as 185. These are supplemental responses to first  
25      request for production of documents, but -- and then

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1 it says interrogatories. So we'll go ahead and  
2 represent that they're interrogatories.

3 Okay. So these, in turn, reference the  
4 attachments. Well, first is attachment 2 to the  
5 person that is appearing on the screen to Exhibit 185.  
6 And the response states that the officer visible in  
7 attachment 2 is Elijah Simpson and Marilyn Johnson; is  
8 that correct?

9 A Correct.

10 Q The -- now the arresting officer is listed  
11 as Lee?

12 A Correct.

13 Q Neither of the two people that are in that  
14 photograph?

15 A Correct.

16 Q And so is this Officer Simpson here?

17 A Yes.

18 Q And that's Johnson?

19 A Correct.

20 Q And in the response you state that Detective  
21 Simpson was not involved in the zip tieing, seizing of  
22 plaintiff. And Detective Simpson was part of a  
23 hand-off team that would have escorted plaintiff to  
24 the hand-off team member -- or sorry -- a member of  
25 the CDT or arrest team would have escorted plaintiff

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1 to the hand-off team member, in this case, Detective  
2 Simpson, who would have secured plaintiff when this  
3 picture was taken; correct?

4 A Correct.

5 Q What -- what is the basis for making that  
6 statement?

7 A Conversation that I had with Detective  
8 Simpson.

9 Q And did you ask Detective Simpson who handed  
10 off Plaintiff Thomas to him?

11 A I did.

12 Q And who did he say?

13 A He could not recall.

14 Q Turning to attachment 1 of the first  
15 interrogatories to -- for Mr. Thomas, which is Exhibit  
16 185, that is now showing on the screen, do you  
17 recognize anyone in this picture?

18 A I do not.

19 Q And what steps did you attempt to take to  
20 identify these four people?

21 A Just generally the same steps I took in all  
22 the matters.

23 Q Did you ever go back and try to look at the  
24 videos to try to match these up?

25 A Yes.

1           Q     You know, like nametags down here,  
2     couldn't -- still couldn't figure it out?

3           A     No. The video was not of high enough  
4     quality to make out nametags.

5           Q     No one could identify these four officers?

6           A     Not that I spoke with, no.

7           Q     Is there -- is there a way -- is there any  
8     markings that suggest that they're an arrest team  
9     versus squad, an Alpha, Bravo, Charlie, Delta squad?

10          A     No, there is not.

11          Q     In your responses to the interrogatories, we  
12     can go back to them, see number 3, it says identify  
13     all SLMPD officers who made physical contact with  
14     plaintiff. And you list Officer Simpson and Officer  
15     Lee. And then later you state that Officer Trenton  
16     Lee was involved in the seizure of plaintiff in some  
17     way. And there were three unknown CDT officers  
18     involved in the arrest and seizure of plaintiff.

19                 So what is the basis for stating that?

20          A     I believe someone else from the City  
21     Counselor's Office may have had a conversation with  
22     Officer Lee. I did not.

23          Q     Okay. And to your knowledge, did Officer  
24     Lee -- is he one of the four people in attachment 1?

25          A     I believe he is, but I don't know which one

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1 of those individuals. I couldn't clearly make him out  
2 and I don't have any knowledge of which of those  
3 individuals is Officer Trenton Lee.

4 Q Okay. Upon learning about this, did you  
5 follow up with Officer Lee to get more detail?

6 A I personally did not, no. Officer Trenton  
7 Lee is no longer with the department. I believe he  
8 may be currently in some type of federal law  
9 enforcement capacity and I'm not sure where he works  
10 out of.

11 Q Okay. But the -- obviously someone at the  
12 City Counselor's Office was able to talk to him?

13 A I believe so, yes. That's my understanding.

14 Q Do you know when this conversation with  
15 lieutenant -- or with Trenton Lee happened?

16 A I do not.

17 Q Was it in the last week or two? Months ago?

18 A I believe it was several months ago.

19 Q So in those several months, after this  
20 deposition was noticed, you did not take it upon  
21 yourself to interview Trenton Lee yourself?

22 A No.

23 Q Do -- do you understand that as a 30(b)(6)  
24 designee, you have a duty to educate yourself on the  
25 topics?

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1 A I do.

2 Q Are you still in the -- in your role as --  
3 working with the city counselor as a -- as a -- would  
4 you say a liaison or...

5 A That's one of my duties, yes.

6 Q Is that your full-time role?

7 A I wouldn't say it's my full-time role at  
8 this time, no.

9 Q What -- what are your -- what are your other  
10 duties now?

11 A I'm assigned to the Police Commissioner's  
12 Office and I have other administrative tasks and  
13 duties.

14 Q When did -- when -- when did that happen?

15 A November of last year.

16 Q So you're -- you're no longer detailed with  
17 the City Counselor's Office?

18 A I still work with the City Counselor's  
19 Office. It's one of my duties. But it's not my sole  
20 duty at this time, no.

21 (Exhibit 31, Video, was marked in a  
22 previous deposition and now identified  
23 for the record.)

24 Q (By Mr. Wyrsh) So now I'm going to turn to  
25 Exhibit 31, and just to preface that by noting the

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1 response to interrogatory number 4, the defendant can  
2 identify Lieutenant Allen who appears at the end of  
3 the video with the pepper spray can, which he did not  
4 deploy any pepper spray.

5 So with that in mind, let's -- you see  
6 what's been marked as Exhibit 31?

7 A Yes.

8 (The video was played.)

9 Q (By Mr. Wyrsh) Stop when you see Lieutenant  
10 Allen.

11 A You can stop it. I lost her, but she was in  
12 the middle of the screen a second ago.

13 (The video was played.)

14 A If you pause it there. Move your pointer up  
15 and to the left. Further right, the officer with  
16 the -- right there, yes. That's Lieutenant Allen.

17 MR. WYRSCH: Okay. So we'll screen shot  
18 that as Exhibit 186.

19 (Exhibit 186, Screen Shot, was marked  
20 for identification.)

21 (The video was played.)

22 Q (By Mr. Wyrsh) And you're saying that's  
23 where she gets it out?

24 A Yeah, you can see that she has it in her  
25 hand.

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1 Q And your position is that she didn't  
2 actually deploy any?

3 A Yes. That's also her statement to me.

4 Q And just so we're clear, here is Plaintiff  
5 Thomas; correct?

6 A Correct.

7 Q And you still don't have any one of these  
8 people involved except for you think Lee might have  
9 been involved?

10 A I'm sorry?

11 Q You said you think -- based on a  
12 conversation with the City Counselor's Office, you  
13 think Lee might have been one of these four?

14 A Yeah, it's my belief is that Lee is one of  
15 those four, but I can't tell you which one.

16 (The video was played.)

17 (Exhibit 2, List of Officer Teams, was  
18 marked in a previous deposition and now  
19 identified for the record.)

20 Q (By Mr. Wyrsh) And if I go to exhibit --  
21 what we previously marked as Exhibit 2, we see Trenton  
22 Lee is listed as a member of the South Patrol Team 1  
23 Arrest Team; is that correct?

24 A I can't see the exhibit, but that sounds  
25 correct.



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1 Q Oh. Am I off the exhibit now? Sorry. Let  
2 me switch to Exhibit 2. South Patrol Team 1, Lee?

3 A Correct.

4 Q So did you speak with the other members of  
5 the South Patrol team -- arrest team to ascertain  
6 whether they were -- also had their hands on Defendant  
7 [sic] Thomas?

8 A I did.

9 Q And what was the response?

10 A None of them could recall specifically if  
11 they had any interaction with Mr. Thomas.

12 Q So they don't admit or deny it, they just  
13 don't recall it?

14 A Correct. It was my understanding in  
15 speaking with them that they interacted with multiple  
16 individuals and they couldn't recall specifically  
17 interacting with Mr. Thomas.

18 Q And did you present to them this video?

19 A Yes.

20 Q And still after seeing that video, they were  
21 unable to tell you whether or not they were present in  
22 that video?

23 A Correct.

24 (The video was played.)

25 (Exhibit 32, Video, was marked in a

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1 previous deposition and now identified  
2 for the record.)

3 Q (By Mr. Wyrsh) Looking at Exhibit 32.

4 (The video was played.)

5 Q (By Mr. Wyrsh) Just -- just going back  
6 to -- do I understand correctly that the idea of the  
7 arrest teams was to send multiple, two or four people  
8 in together to effectuate an arrest?

9 A That's typically the way it functions, yes.

10 Q So this behavior of having four people  
11 around one person, is that consistent with an arrest  
12 team?

13 A The way CDT normally operates, yes.

14 Q And would it be a logical inference that  
15 Officer Lee was a member of the South Patrol arrest  
16 team, the other people with him would be members of  
17 the South Patrol arrest team?

18 A It would be.

19 Q Another way to say that, is that consistent  
20 with the training for arrest teams, having the four  
21 officers surrounding?

22 MR. LAIRD: I'm going to object that asking  
23 about the training to this corporate representative is  
24 outside the scope of the topics that have been  
25 propounded.

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1 MR. WYRSCH: I'm just trying to help  
2 identify those people.

3 MR. LAIRD: Subject to the objection, you  
4 can answer.

5 A I'm sorry. Could you repeat the question?

6 Q (By Mr. Wyrsh) Having the four people  
7 around the arrestee, is that consistent with the  
8 training for arrest teams, to your knowledge?

9 MR. LAIRD: Same objection.

10 A Yes.

11 Q (By Mr. Wyrsh) All right. So switching  
12 to --

13 MR. WYRSCH: You want to take a break now?  
14 We're going to kind of switch topics a little bit.

15 MR. LAIRD: I think that's probably a good  
16 idea.

17 MR. WYRSCH: All right.

18 VIDEOGRAPHER: Off the record. The time is  
19 3:15.

20 (Whereupon, a short break was taken.)

21 VIDEOGRAPHER: Going back on the record.  
22 The time is 3:31.

23 Q (By Mr. Wyrsh) Yeah. Just a few follow-up  
24 questions, what we just talked about. With Officer  
25 Ruffin who was the arresting officer listed for

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1 Newbold.

2 A I believe so, yes.

3 Q I just want to clarify, did -- was he -- I  
4 mean, I believe you said he was -- he was just -- he  
5 was the hand-off to him. So -- so was he not the  
6 person who was shown the video carrying Newbold out?

7 A I don't believe -- in going over the video  
8 with him, I don't believe that he could say whether or  
9 not that was him.

10 Q He doesn't know one way or the other?

11 A Correct.

12 Q So on Bockskopf, as it relates to Baude,  
13 he's not only listed as the arresting officer, he's  
14 also listed as having recovered a weapon from him.  
15 Are you aware of that?

16 A I may have read that in the report at some  
17 point, yeah.

18 Q Do -- do you know how -- maybe listed on  
19 the -- my understanding of your earlier testimony was  
20 that Bockskopf was only a hand-off person for Baude.  
21 He didn't seize him or zip tie him; correct?

22 A Correct. That's the understanding I have  
23 from the conversation I had with him.

24 Q Do you know if he searched Baude or how he  
25 came to be listed as the -- do you know how Bockskopf

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1     came -- came to be listed as, not only the arresting  
2     officer, but also the one who seized a weapon from  
3     him?

4             A     I do not.

5                     (Exhibit 38, Video, was marked in a  
6                     previous deposition and now identified  
7                     for the record.)

8             Q     (By Mr. Wyrsh) All right. Then I want to  
9     direct your attention to Exhibit 38. Do you recognize  
10    Exhibit 38?

11            A     I do.

12            Q     All right. So directing your attention  
13    here, right in here.

14                     (The video was played.)

15            Q     (By Mr. Wyrsh) And the officer that lifts,  
16    that's Mr. Ortega?

17            A     Correct.

18            Q     Do you know who the officer is who lifted  
19    him up from the ground?

20            A     I do not.

21            Q     Do you know whether that -- I believe you  
22    listed Thacker as the one responsible for zip cuffing  
23    him; correct?

24            A     Correct.

25            Q     Do you know whether or not that is Thacker?

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1           A       It doesn't appear to be, no.

2           Q       Did you ask Thacker who that might be?

3           A       I don't recall if I specifically asked him  
4       that, no.

5           Q       Is there marking on the back of that helmet?  
6       Do you know what marking that belongs to?

7           A       No.

8           Q       Did you investigate --

9           A       Yes.

10          Q       -- what marking that -- and you couldn't  
11       figure it out?

12          A       Correct.

13                       (The video was played.)

14          Q       (By Mr. Wyrsh) So I'm going to show you  
15       what we marked as exhibit -- it's Exhibit 1 to the  
16       deposition notice, which itself was exhibit -- the  
17       first exhibit of the day which was 86? Or 90?

18               MR. WYRSCH: Could the court reporter remind  
19       me?

20               REPORTER: Sure. 97, I believe.

21          Q       (By Mr. Wyrsh) So this is the exhibit to  
22       Exhibit 97. And this is -- I'll represent to you  
23       that -- as I'm sure you're aware, we've deposed a  
24       number of sergeants and ascertained the location of  
25       various teams throughout the night. So I had

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1 requested as part of this deposition notice to  
2 understand where various teams were located the  
3 evening September 17th. Do you -- are you familiar  
4 with that?

5 A Yes.

6 (Exhibit 1, Photograph, was marked in a  
7 previous deposition and now identified  
8 for the record.)

9 Q (By Mr. Wyrsh) So maybe it would be  
10 helpful.

11 All right. I'm going to show you what --  
12 I'm going to show you Exhibit 1, which is an aerial  
13 photo of the incident. Are you able today to tell me,  
14 starting with North 1 Alpha, where North 1 Alpha was  
15 located on the 17th?

16 A Generally where my understanding of them to  
17 be is, not -- you know, like I can't point to, say,  
18 eight officers and say this is North 1 Alpha. But I  
19 can generally tell you that if you look at the team --  
20 if, you know -- if you're oriented with this picture,  
21 and you've done other depositions, you should be  
22 familiar that North Patrol is the team on the north of  
23 the intersection that goes from Escape St. Louis to  
24 314. And so if you kind of orient yourself to  
25 understand that Escape is left, 314 is right, it's my

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1 general understanding that North 1 Alpha is the  
2 right-most team of that line.

3 Q Okay. Are you basing that on -- so -- so I  
4 will tell you that I -- I have understood from  
5 Officers Rossomanno and -- and a number of others that  
6 that is how it was designed. But in deposing those  
7 other witnesses, it became evident that that's not how  
8 it was actually implemented. We found that various  
9 teams were at different places that were -- was not in  
10 line with the Alpha, Bravo, Charlie, Delta model.

11 So are you testifying about how it should  
12 have been or how it actually was?

13 A I guess, generally, correct, that's how it  
14 should have been. And I have spoken to officers that  
15 were assigned to one of the North Patrol Alpha teams.  
16 As I sit here right now, like, for instance, Officer  
17 Henderson, who identified earlier in this deposition.  
18 I spoke with him. He identified himself. He was a  
19 member of the Alpha team and he was one of the  
20 officers that was nearly up against the windows of the  
21 314 building.

22 So I base that both on my general  
23 understanding of how CDT normally operates, as well as  
24 some of the statements that I've received from at  
25 least some of the officers assigned to those teams.



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1           Q     Okay. So just -- just to understand then,  
2     since we sent this list over a few weeks ago, have you  
3     followed up with these folks to ask specifically where  
4     they were or -- or are you basing it on your general  
5     knowledge of it? Like with the conversation you had  
6     with Henderson, was that a few weeks or was that a  
7     conversation a few months ago?

8           A     The conversation with Henderson is a  
9     conversation I had several months ago. I would say in  
10    the last several weeks, I've read other depositions to  
11    try and get a better understanding of it. But it is  
12    accurate to say that there is conflicting information.  
13    In some instances, even within members of the same  
14    element of the same team.

15          Q     Okay. So -- so I'm going to show you what's  
16    marked as Exhibit 2. So, for example, Nick Henderson  
17    was written in as a member of North Patrol Team 2  
18    Alpha; is that right?

19          A     Correct.

20          Q     All right. All right. So going back to our  
21    exhibit to deposition 97, deposition notice, the first  
22    one was North Patrol Team 1 Alpha. Do you know where  
23    they were located on the night of -- not where they  
24    should have been but where they were located?

25          A     Could you reference the roll call sheet

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1 again? Yeah. So at the time that I did a lot of  
2 these interviews, Sergeant Scott Weidler was out on  
3 paternity leave.

4 Q Okay.

5 A It's my understanding that he has since  
6 returned, but I haven't spoke with him because I  
7 believe he returned -- it's my understanding that he  
8 returned around the same time -- you know, like a  
9 month and a half, two months ago, when we basically  
10 weren't doing any face-to-face meetings anymore.

11 So I -- I have not personally met or spoken  
12 with Sergeant Weidler other than to be informed that  
13 he was on paternity leave.

14 Q Okay. So since we sent the list over of  
15 Exhibit 1 to the 30(b)(6) with all the teams that we  
16 were seeking information about, have you spoken with  
17 anyone about where those teams were located the night  
18 of the 17th?

19 A Yes, I spoke with numerous people, again,  
20 from all teams --

21 Q In the last three weeks?

22 A Oh, in the last three weeks? I'm sorry, no.

23 Q Yeah. Okay. So this is all conversations  
24 you had months ago?

25 A Correct.

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1           Q     All right. So I just want to go back here  
2     and note that one of the topics in which you were  
3     designated to testify were team assignments and  
4     positioning -- this is topic 7 of Exhibit 97 -- team  
5     assignments and positioning of SLMPD officers at or  
6     after 10:30 p.m. on September 17, 2017, including, but  
7     not limited to:

8                     Where (as precisely is practical), in or  
9     nearby the intersection of Tucker and Washington the  
10    teams of SLMPD officers identified in Exhibit 1 were  
11    stationed from 10:30 until those arrested and  
12    transport.

13                    And that was sent over to the City the end  
14    of April and you have not made any extra effort to  
15    contact any of those teams; is that correct?

16           A     Again, I've -- since that time, I've gone  
17    over some other depositions that have occurred in the  
18    interim. But I myself have not -- I've spoken with a  
19    handful of individuals assigned to different units.  
20    I've spoken with all kinds of people as it relates to  
21    this; so --

22           Q     But not in the last few weeks?

23           A     No. I -- I -- in the last few weeks as  
24    well. Like, for instance, I can tell you that the  
25    bicycle response team was primarily on the east side

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1 of the intersection; however, there was an element of  
2 Sergeant Marks' squad, along with Lieutenant Boyer,  
3 that wound up behind the North Patrol line on the  
4 north side.

5 And, again, generally, I have a general or  
6 practical understanding of where the teams were. But,  
7 again, in all the conversations that I've had with  
8 individuals, and even in going over some of the  
9 depositions, as you've conducted them, I think it's  
10 clear that there is conflicting information even  
11 within those teams.

12 Q Right. And -- and I appreciate that. The  
13 problem with going through the depositions is we --  
14 these are the people we didn't depose. And -- and so  
15 that's why we were designating you to be able to talk  
16 about those people because that was the agreement that  
17 was struck.

18 A So, I mean, if we want to go down this list,  
19 if you feel that that would be helpful, I was not able  
20 to speak with Sergeant Weidler due to his paternity  
21 leave.

22 Q Okay.

23 A I spoke with Sergeant Neal --

24 Q All right.

25 A -- who, just speaking bluntly, is an older

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1 gentleman who works on night watch. It was his  
2 recollection that this whole event was one big blur  
3 and he couldn't get into any specifics as it related  
4 to any one incident because it was all a big blur to  
5 him.

6 I've gone over the conversation that I had  
7 with Sergeant Long. It's my understanding that his  
8 squad was on the North Patrol line closer to the 314  
9 building, maybe not directly up against the building,  
10 but a team or two, I guess if you want to describe it,  
11 west of that.

12 Q All right. Well -- well, talk -- let's go  
13 on Neal. Hold on. On Neal, did you -- did you -- did  
14 you speak with anyone else on North 1 Bravo just to  
15 try to get a better memory?

16 A I believe I did, but as I -- I mean, if --  
17 if you want to reference the roll call sheet, I can  
18 tell you if there's any officers' names that I  
19 specifically recall speaking with.

20 Q We're -- North 1 Bravo. Are you able to  
21 read that?

22 A Yes, I am. In looking at those names, I  
23 can't specifically recall if I spoke with any of those  
24 officers.

25 Q Okay. And you certainly haven't spoken with

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1 any of them in the last few weeks?

2 A Correct.

3 Q All right. You were talking about Long and  
4 North 2 Bravo. What -- what were you telling me?

5 A What my understanding where that team was  
6 positioned. So I...

7 Q Go ahead.

8 A Just that they were on the North Patrol line  
9 close to the 314 building, maybe approximately where  
10 the sidewalk ends and the street begins.

11 Q Okay. So -- so where they were supposed to  
12 be?

13 A That's my understanding, yes.

14 Q Okay. Now --

15 MR. LAIRD: Can we take like a five-minute  
16 break?

17 MR. WYRSCH: Sure.

18 VIDEOGRAPHER: Going off the record. The  
19 time is 3:50.

20 (Whereupon, a short break was taken.)

21 VIDEOGRAPHER: All right. Going back on the  
22 record. The time is 3:59.

23 Q (By Mr. Wyrsh) Okay. Anything you need to  
24 clarify or change?

25 A Just to clarify that, I guess, you know, I

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1 had done a lot of the trying to locate where the teams  
2 were within the intersection. All that work had been  
3 done prior to three weeks ago. I can approximately  
4 tell you where those teams were. But, again, you  
5 know, I'm getting some of the same information that  
6 you've gotten in depositions that is kind of  
7 conflicting, and what we're not able to do is -- is  
8 precisely pinpoint who was exactly where.

9 Q Okay. I hear that, but, I guess, you  
10 know -- what you've also told me, though, correct,  
11 that you haven't done anything in the last few weeks  
12 when you got my specific list to make sure that you  
13 had the information you needed; correct?

14 A I didn't believe that much had changed. The  
15 information was largely the same. I did speak with  
16 some individuals via the phone, but in the past three  
17 weeks, I haven't been able to meet with anyone or go  
18 over video with anyone. But, again, this is all  
19 things that largely was done beforehand. Again, this  
20 deposition was originally scheduled to go, I think, in  
21 March.

22 Q Okay. Well, let's just go back to the list.  
23 Officer -- or South Patrol 1 Alpha. This is one I'll  
24 tell you, which I'm sure you read the deposition, was  
25 one where the sergeant in charge couldn't tell me

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1 where his men were and that's why it's on this list.

2 A And is that Sergeant Mandle?

3 Q Yeah.

4 A Okay.

5 Q So do you know what happened to his men?

6 A Can you reference the roll call sheet again  
7 for his team?

8 Q Sure. I'll go back to Exhibit 2. South 1  
9 Alpha. Have you been able to look at it?

10 A It's not showing on my screen.

11 Q Sorry.

12 A So my recollection in having conversations  
13 with several of the officers on that list is that they  
14 were generally where you would expect them to be based  
15 on the way CDT orients itself, that they would be on  
16 the south side of the intersection there closer to the  
17 west side or that fenced-in parking lot on the west  
18 side.

19 Q Okay. Okay. And next on South 2 Bravo,  
20 Sergeant Lankford?

21 A Yeah. So, again, approximately they would  
22 have been, it's my understanding, kind of in the -- on  
23 the south side with the South Patrol team, but kind of  
24 in the middle of Tucker, if you will.

25 Q Okay. North 2 Charlie, Clark?



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1           A       I know Sergeant Clark has been on extended  
2       military leave. I wasn't able to speak with him. And  
3       I can't recall -- I mean, a couple of those names jump  
4       out at me, but I can't recall specifically if they  
5       were able to tell me where -- where they were  
6       physically located.

7                   I believe that in speaking with Sergeant  
8       Haug and his squad, that he indicated that he was  
9       closest to the Escape -- St. Louis Escape there on the  
10      west side of the intersection. And I believe in  
11      speaking to them, they -- they thought that it was  
12      elements of the Charlie team that were immediately,  
13      from their perspective, to their left.

14           Q       Okay. South 2 Charlie?

15           A       And is that Sergeant Carretero's squad?

16           Q       Yes.

17           A       So I believe that they were -- and it's --  
18      it's an approximation -- but kind of in the middle of  
19      the northbound lanes, if that makes sense, of Tucker.

20           Q       And what are you basing that on?

21           A       Just from conversations that I remember  
22      having with possibly Officer Bramley and maybe -- I  
23      know Bramley for sure. I can't recall any other names  
24      at this point.

25           Q       Okay. You, South 2 Delta?

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1           A       So I believe we were the furthest right  
2       squad. I -- I specifically remember -- if you  
3       reference that overhead view, you'll see that silver  
4       sedan.

5           Q       Okay.

6           A       I remember that silver sedan being either  
7       directly or very closely directly in front of my team,  
8       and I don't remember having another element to our  
9       right, but if we did -- I'm sorry?

10          Q       You're referring to this car here?

11          A       Correct. So I guess prior to when we moved  
12       further into the intersection, I -- I guess before  
13       that car comes to a stop, I specifically remember it  
14       kind of being directly in front of us.

15          Q       You were over here?

16          A       Correct. And so I -- I don't believe -- I  
17       don't believe there was another element to our right.  
18       I believe we were the right-most element.

19          Q       Did any members of your team go in to make  
20       arrests?

21          A       No.

22          Q       Of -- of all the people you've spoken about  
23       thus far, North 1 Alpha, North 1 Bravo, North 2 Bravo,  
24       South 1 Alpha, South 2 Bravo, all the ones that you've  
25       discussed to this point, did any of them become arrest

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1 teams?

2 A Not to my knowledge, no.

3 Q Central 1 Alpha has --

4 A Is that Sergeant Nizick's squad?

5 Q Yes.

6 A It's my understanding that they were on  
7 Washington. If they weren't the left-most team, there  
8 was maybe only one team to their left, but they were  
9 very close to the Escape St. Louis as they came down.

10 Q Do you know if any of those team members  
11 were involved in making arrests?

12 A Not to my knowledge, no.

13 Q Central 1 Bravo, Roy?

14 A I'm sorry?

15 Q Sergeant Roy, Central 1 Bravo?

16 A I can't recall where that team may have been  
17 positioned.

18 Q Central 1 Charlie, Laschober?

19 A So it's my understanding in speaking with --  
20 and I can't -- I'm only seeing the overhead view right  
21 now. I can't see which squads are on the sheet or on  
22 the -- the supplement that you had -- but it's my  
23 understanding that Laschober, there's also Wiener and  
24 Binz, kind of all recall their teams kind of being in  
25 the middle of that Central Patrol line. And I know

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1 that they come from different Central Patrol teams,  
2 but that was their recollection.

3 Q I'm sorry. Binz and who? Who are they  
4 with?

5 A So the Sergeants Laschober, Carolyn Wiener,  
6 and Michael Binz --

7 Q Okay.

8 A -- I believe also maybe Sergeant Kelly  
9 Fischer --

10 Q So Wiener is Central 2 Alpha; Binz is  
11 Central 2 Charlie?

12 A Yeah. And Fischer, Central 2 Bravo.

13 Q Okay.

14 A That they all kind of recall being in close  
15 proximity of one another and -- and approximately in  
16 kind of what you would classify as the central -- like  
17 the center of that line.

18 Q Okay. Do you know if any of them were  
19 involved in making arrests?

20 A I don't believe so, no. Not to my  
21 knowledge.

22 Q So we covered Bergmann, Central 1 Delta?

23 A I believe -- no, I can't recall. I know  
24 that -- as you can see there, a lot of his team was  
25 missing that day. I -- I can't specifically recall

1 if -- I can't recall where his team may have been or  
2 if he even had a team or if his team was kind of  
3 absorbed into another element. I -- I -- I can't  
4 recall.

5 Q Okay. So I want to go back to the -- your  
6 mention of Mandle. One of -- you -- you testified  
7 earlier that where Mandle, he was, and mentioned that  
8 you didn't think they were part of the arrest team.  
9 One thing that struck me about Mandle was if you look  
10 at the police report, the Officer Claus who's written  
11 in there over Whitworth?

12 A Correct.

13 Q Davis, Fanz, McDonnell, Rogers, are all  
14 listed as arresting officers in the police report?

15 A Yes.

16 Q Do you know why they happen to have so many  
17 members of their team listed as arresting officers?

18 A It's my understanding that because there  
19 wasn't really anything occurring where they were  
20 positioned, for one reason or another that I -- I -- I  
21 can't explain why, but arrestees were handed off to  
22 them to be conveyed back to the hand-off and the  
23 documentation teams.

24 Q Okay. And then similar, North Patrol 2  
25 Bravo, which was Long. They've got Officers --

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1 Officers EerNisse, E-e-r-i -- sorry --  
2 E-e-r-N-i-s-s-e, Matthew, Officer Gaddis, who we  
3 previously talked about, Officer Patton, Officer  
4 Simon, and Sergeant Long -- or not Long -- Hines,  
5 EerNisse, Gaddis, Patton, and Simon were all listed as  
6 arresting officers. Do you know why so many members  
7 of that team?

8 A I -- I don't specifically know, but just  
9 based on my understanding of where they were  
10 positioned, because they were kind of closer to that  
11 314 building, it's my estimation that because of where  
12 they were in proximity, people being taken to the  
13 north were just handed off to them because of  
14 approximately where they were located.

15 Q All right. So we got Bergmann, Walters with  
16 Central 1 arrest. I'm assuming they were involved  
17 with arrests?

18 A I believe eventually they became involved  
19 with arrests. In speaking with Sergeant Walters,  
20 essentially he allowed Sergeant Wozniak's arrest team  
21 to go in first and make arrests. And then once it was  
22 evident that there were far more people that needed to  
23 be arrested, and I guess Sergeant Wozniak's team had  
24 become, I guess, preoccupied with those arrests, at  
25 some point eventually, Sergeant Walters brought his

1 team in. But he seemed to indicate to me that his  
2 team only made very few arrests. I think he  
3 categorized it as maybe as few as two.

4 Q Okay. Why -- why would they have held them  
5 back?

6 A I -- I don't know why Sergeant Walters  
7 elected to do that with his team. He -- he indicated  
8 that he told his team to stand back until they were  
9 needed. And then at some point, he elected to send  
10 them in.

11 Q Okay. And then we already talked about  
12 Wiener, Fischer, and Binz. How about Central 2 Delta,  
13 McQuillen. Looks like McQuillen was scratched out.  
14 Do you know who was leading Delta that night?

15 A That -- that may clarify things. That may  
16 have been Sergeant Bergmann. Their two squads may  
17 have been put together because Sergeant McQuillen was  
18 injured. And I believe they may be an element of the  
19 Central Patrol line that's kind of curving at the  
20 bottom, for lack of a better term there.

21 Q Okay. And then Central 2 arrest, Wozniak?

22 A Yeah. They were the first arrest team from  
23 Central Patrol to go in. And I -- I think that they  
24 were involved in the majority of the arrests that were  
25 conducted by the Central Patrol teams.

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1           Q     Okay. The -- what -- what were the duties  
2     of these other teams? We've got documentation team 1  
3     and 2. I mean, I -- I think some of those are pretty  
4     plain that they were involved in documentation.

5           A     Correct. So both documentation teams wound  
6     up advancing with the South Patrol and Central Patrol  
7     teams. And so they were both positioned to the south  
8     of the intersection and that's why both documentation  
9     videos appear from a very similar angle.

10          Q     Okay. And then you mentioned the BRT team.  
11     I -- I call it north, or the sort of second team led  
12     by Officer...

13          A     It would have been Sergeant Michael Marks'  
14     squad.

15          Q     And do you know why they end up on the north  
16     side?

17          A     I believe Lieutenant Boyer explained it that  
18     he wanted to make sure there wasn't anybody behind  
19     them and he wanted to, you know, offer any assistance  
20     that they needed with the arrests that were going that  
21     way, as well as ensure that no one came from behind  
22     their position.

23          Q     Okay. And did they -- did they end up  
24     getting involved in arrests?

25          A     It's my understanding that that element of



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1 the BRT didn't -- they weren't involved in, I guess,  
2 the initial arrest, if you want to refer it to that  
3 way, but they did become involved in kind of the --  
4 the handing off or the daisy chaining of arrestees.

5 Q Okay. And then what -- what was the role of  
6 all of the mobile reserve SWAT team members that  
7 night?

8 A So you'll see they're the officers in the  
9 middle of the intersection that -- you'll see some of  
10 them with the orange shotguns and some of them  
11 actually have lethal long guns. It's my understanding  
12 that their role was kind of perimeter security to  
13 address any -- any situations that may arise requiring  
14 the use of either less lethal or lethal force.

15 Q But they didn't actually -- I mean, a lot --  
16 I mean, we have a lot of testimony about, for example,  
17 Officer Busso and -- and Officer Coats. I mean, if  
18 they're supposed to be perimeter, why were they in the  
19 middle of things?

20 A You would have to ask those officers.

21 Q And then the special ops unit, what was  
22 their role that night?

23 A I believe generally their role was kind of  
24 like an exterior perimeter security and like a quick  
25 reaction unit. How they came to be involved in the

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1     arrest that evening, it's my understanding in speaking  
2     to some of those commanders that, I guess, the -- it  
3     was evident that there was going to be more arrests  
4     taking place than the arrest teams could facilitate  
5     themselves and the special operations units then kind  
6     of went in to assist with the arrests.

7             Q     Okay. Do you know who made that decision?

8             A     I do not. I've spoken with several of the  
9     lieutenants, but they couldn't specifically say if --  
10    if that was a directive that was given to them and who  
11    it was given from. But it was something that trickled  
12    down through their chain of command.

13            Q     And -- and you -- earlier when I asked you  
14    about Officer Busso, you -- you said I would have to  
15    ask them about Officer Busso and Officer...

16            A     Well, for instance, I know Officer Busso was  
17    addressing what he's observed to be a primary safety  
18    concern. But I -- I have not spoken with Officer  
19    Coats.

20            Q     Okay. Okay. You've never spoken with  
21    Officer Coats?

22            A     I have not. He's no longer with the  
23    department. I have not spoken with him.

24            Q     And did you -- did you speak to anyone who's  
25    no longer with the department?

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1           A     I believe I spoke with a handful of officers  
2     that are no longer on the department.

3           Q     I'm a little -- help me understand why them  
4     not being with the department means that you don't  
5     talk to them?

6           A     Specifically in the case of Officer Coats, I  
7     can't recall if I didn't have good contact information  
8     or if -- I can't recall specifically why I spoke with  
9     some officers who are no longer with the department  
10    and why I didn't speak with others. I can't say.

11          Q     There have been a number of officers that we  
12    know either had hands on, like Officer Coats, or were  
13    listed as arresting officers that today you've said  
14    that you simply didn't talk to because they no longer  
15    were in the -- on the department.

16                I'm not trying to be glib, but you guys are  
17    a police department. One of the things you guys are  
18    really good at is finding people. So I'm trying to  
19    understand why you didn't make an effort in all this  
20    time to talk to those people?

21               MR. LAIRD: I'm going to object to this and  
22    argue -- this question is outside the scope and  
23    argumentative.

24          Q     (By Mr. Wyrsh) Go ahead and answer.

25          A     I think in the case of Officer Coats, his

1 identity wasn't in question. I guess in my  
2 estimation, I wasn't sure what would be gained in  
3 speaking to him. I was -- for the purposes of  
4 identifying him, he was identified.

5 Q But your role in this is not just to  
6 conduct, you know -- identify people, but also to  
7 conduct an investigation; correct?

8 MR. LAIRD: Objection. I'm going to --  
9 objection to that question as it's outside the scope  
10 of the topics that are presented. This is a  
11 deposition under the John Doe identification portion  
12 of the discovery. No need, Sergeant Wall, to answer  
13 that question. He said he could make an  
14 identification.

15 Q (By Mr. Wyrsh) Would you agree with me that  
16 Officer Coats potentially could have identified other  
17 people who were involved in arrests?

18 MR. LAIRD: I'm going to object as it calls  
19 for speculation.

20 Q (By Mr. Wyrsh) Well, we've seen the video.  
21 You know where Officer Coats is in the middle of -- of  
22 the arrests; correct?

23 A Of which arrests?

24 Q The mass of arrests that were going on at  
25 the corner of Washington and Tucker. I mean, the

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1 video that we saw with Officer Coats zip tieing one of  
2 our clients, I mean, he's -- he's right in the middle  
3 of the scrum; right?

4 A Yes.

5 Q Okay. So wouldn't it be reasonable to -- to  
6 ask him whether or not he knew of other people or  
7 could identify other people?

8 MR. LAIRD: I'm going to object to the  
9 question as argumentative and calls for speculation.

10 Q (By Mr. Wyrsh) Please answer.

11 A I don't know what Officer Coats would have  
12 been able to add.

13 Q Right. But if you had talked to him, you  
14 could have found that out; right?

15 A Possibly.

16 Q So every -- every officer that you have  
17 identified, have you -- I think you confirmed that you  
18 didn't personally speak with all those officers; is  
19 that correct?

20 A Correct.

21 Q Would you -- could you give me a percentage  
22 to how many of the officers that you specifically  
23 identified today that you did speak with?

24 A If I was to speculate, 90.

25 Q All right. Besides Officer Lee and Officer

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1 Coats, which officers that we've discussed today have  
2 you not talked to?

3 A Officers that I've identified today?

4 Q Yes.

5 A That I have not spoken with? Those are the  
6 only two that come to mind.

7 Q Well, I think we also mentioned Officer  
8 Chamblin today was an arresting officer that you  
9 didn't speak with?

10 A Right. But did I identify him in any video?  
11 I -- I guess I was understanding your question to mean  
12 officers that I identified in some exhibits today.

13 Q That's fair. So -- so of the -- of the  
14 people that you identified in exhibits, whether video  
15 or interrogatories, the only two that you have not  
16 spoken to are Coats and -- my mind is blanking.  
17 Sorry, it's late. Who was the other -- who was the  
18 second one?

19 A Did you say Chamblin?

20 Q No, Coats and Lee. Lee.

21 A Lee. Oh, yes. I guess if you're going to  
22 include the interrogatories, then you could throw  
23 Chamblin into that mix.

24 Q Okay. Anyone -- any other arresting  
25 officers that you did not interview personally?

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1           A       Not that I can recall, no.

2           Q       Which supervisors did you speak with in  
3 preparing for the deposition?

4           A       Nearly all of them. With this list, I think  
5 the only supervisors that I didn't personally speak  
6 with were Weidler, Neal, Clark, and Carretero. And  
7 maybe McQuillen because he was injured.

8           Q       So earlier I thought you said you spoke with  
9 Neal but that he was --

10          A       I'm sorry, yes. I didn't meet personally  
11 with Neal. I did speak very briefly on the phone and  
12 I guess you could include Weidler in that. I spoke  
13 with him. He advised me that he was on paternity  
14 leave and not -- would not be available to speak or  
15 meet with me until he returned to regular duty. I did  
16 have a brief phone conversation with Neal.

17                   So the only individuals that I haven't  
18 spoken with in any capacity would be Clark, Carretero,  
19 and I believe McQuillen.

20          Q       Okay. And does that go for the other  
21 sergeants on the roll call?

22          A       I mean, we can go down the list and I can  
23 tell you if anybody else jumps out that I -- I haven't  
24 personally spoken to. I believe I've spoken to all  
25 the sergeants there. Yes. I haven't spoken with

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1 Sergeant Roy. I believe I've spoken with all the  
2 others on that sheet.

3 I -- again, Sergeant Weidler and Sergeant  
4 Neal appear there, but I've spoken with Sergeant  
5 Caruso, Sergeant Nijkamp, Sergeant Mack, Sergeant  
6 Lammert, Lankford. I haven't spoken with Carretero.

7 I have spoken with Sergeant Valentine,  
8 Sergeant Wiener, Sergeant Fischer, Sergeant Binz.  
9 Again, Sergeant McQuillen isn't present. Sergeant  
10 Wozniak. I haven't spoken with Sergeant Clark. I  
11 didn't speak with Sergeant Hill because as indicated  
12 on the sheet, he wasn't present that day.

13 And then getting into the -- the booking and  
14 the hand-off teams, I've spoken with Sergeant  
15 Hellmeier. I've spoken with Sergeant Johnson. I have  
16 not spoken with Hickman or McLaughlin.

17 Q That's fine.

18 A Okay.

19 Q What about lieutenants?

20 A Yes, I spoke with Lieutenant Boyer,  
21 Lieutenant Chitwood, Lieutenant Mayo, Lieutenant  
22 Allen, Lieutenant Marks. I believe the only -- I  
23 believe at some point, I had a phone conversation with  
24 Lieutenant Kiphart who's no longer on the department.

25 Q And I don't recall, did he -- did he admit



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1 during the conversation to using the pepper spray?

2 A I know it's documented in the police report.

3 I -- I can't specifically recall if -- if he -- if

4 that was discussed on the phone conversation that we

5 had, but I believe so.

6 Q All right. Do you remember when Kiphart

7 left?

8 A I could find the exact date for you. I

9 believe it was at some point in 2018.

10 Q Okay. Did you review any text messages

11 between officers in preparation for the deposition?

12 A I did not, no.

13 Q To your knowledge, does the City issue cell  
14 phones to officers or supervisors?

15 A Some.

16 Q Who -- who -- do -- do you know which --  
17 which officers receive them?

18 A It's my understanding that certain  
19 supervisors and commanders of certain specialized  
20 units. Possibly certain detectives. But it's not  
21 something that's issued to everyone, no.

22 Q Do did you inquire whether anyone involved  
23 in the evening's events used those phones to  
24 communicate via text?

25 A Me personally? I think I asked maybe some

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1 of the officers that I met with, but I -- I did not  
2 ask everyone, no.

3 Q What about just any of the officers with the  
4 SLMPD phones?

5 A I believe there was a department-wide  
6 correspondence that went out asking about that, but I  
7 did not personally handle that.

8 Q For -- for all of our -- the John Does who  
9 were not identified, if you were to go about the  
10 business of trying to determine who those officers  
11 were, what would you do?

12 A Short of what I've already done, I don't  
13 know.

14 Q Are -- are -- I mean, there are certainly  
15 other officers that could be talked to. Are there any  
16 other resources you could use?

17 A Short of just going down the list and  
18 individually meeting with every single officer on --  
19 on the sheet that's here in front of me or the -- the  
20 operations plan, I -- I don't know.

21 Q Are there any measures you can think of that  
22 could identify who the officer is you considered but  
23 rejected due to the time or expense it would take?

24 A I think meeting with every single officer.

25 Q Have you advised on the feasibility of any

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1 requests made by plaintiffs for a specific effort to  
2 identify John Does?

3 A I'm not sure I understand the question.

4 Q Have you been asked to look at some of the  
5 requests to find John Does and discuss whether or not  
6 those are feasible?

7 A Yes.

8 Q Which ones are those?

9 A Maybe all of them.

10 Q And what was your response?

11 A All of them.

12 Q Were not feasible?

13 A Oh, I'm sorry. No, I've been asked to  
14 provide input on all of the requests. As I sit here  
15 right now, I can't recall specifically what requests I  
16 may have advised were not feasible. If I -- if I  
17 advised that on any, I can't recall.

18 Q Do you know what instruction went to SLMPD  
19 officers regarding whether they have to be  
20 individually identifiable while on duty?

21 A I know that every officer was instructed to  
22 wear a nametag. Short of that, I don't know -- I  
23 mean, I know that they were instructed as to what  
24 uniform to wear. But short of wearing a nametag, I --  
25 I don't know what other direction they had been given.

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1 Q And how were they instructed to get -- wear  
2 nametags?

3 A The nametag was to be worn on your  
4 outer-most garment, clearly visible.

5 Q How was that instruction conveyed to them?

6 A I don't specifically recall.

7 Q Do you remember if it was in writing or  
8 oral?

9 A It may have been both, but I -- I don't  
10 specifically recall.

11 Q Generally speaking, in a standard arrest of  
12 one person, how does St. Louis Metropolitan Police  
13 Department know which officer or officers were  
14 involved?

15 A Generally? Just a general arrest?

16 Q Yeah.

17 A The arresting officer documents that in  
18 their report.

19 Q Do they complete a statement or a report on  
20 the -- on the arrest?

21 A I think that that would be accurate to say,  
22 yes.

23 Q Is that submitted in I/LEADS?

24 A That is our current report writing system,  
25 yes.

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1           Q     Is that the report writing system on  
2     September 17, 2017?

3           A     It was.

4           Q     All the officers who made arrests that night  
5     complete reports of the arrests that they made?

6           A     No, but that -- there was a different  
7     protocol set in place for that detail.

8           Q     And who set that protocol?

9           A     I don't know.

10          Q     Was that a written protocol?

11          A     It may be outlined in the operations plan.  
12     I don't recall specifically if it was conveyed in  
13     writing or orally. And, again, it may be in the  
14     operations plan itself, but I -- I don't recall.

15          Q     Do you know who was responsible for ensuring  
16     officers submitted reports on their use of force?

17          A     I don't know that there was any one person.  
18     Possibly each officer's assigned supervisor.

19          Q     Well, gen- -- generally, what -- what -- so  
20     if an officer uses force, what is -- what are the --  
21     how are they supposed to convey -- are they supposed  
22     to report that?

23                 MR. LAIRD: Objection to the question as  
24     outside the scope. You can answer.

25          A     It's documented in the I/LEADS report.

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1           Q       (By Mr. Wyrsh) And in this case, I think  
2       you've already said that individual officers did not  
3       document their own uses of force in the I/LEADS  
4       report; right? Do -- do you know -- so you're saying  
5       it was the supervisors who were responsible for making  
6       sure those got submitted?

7           A       I don't know exactly how. It's my  
8       understanding that if an officer had an incident of  
9       use of force, that they would ensure that the officer  
10      that was assigned to be the report writing officer for  
11      that incident was provided with some type of statement  
12      regarding that use of force so that it could be put  
13      into the report.

14          Q       Did you see any uses of force in the video  
15      which were not captured in the report?

16                 MR. LAIRD: Objection. Outside the scope.  
17      Answer.

18          A       I don't believe so, no.

19          Q       (By Mr. Wyrsh) In the videos, SWAT officers  
20      appear to have names written on the back of their  
21      helmets. Do you know why that is?

22          A       I believe that's just something that that  
23      unit does. I'm not exactly sure why. I don't know if  
24      it's for safety reasons or for easy identification  
25      during their normal day-to-day duties. That's just

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1 something that that unit does.

2 Q Do you know who was operating the Real Time  
3 Crime Center cameras that night?

4 MR. LAIRD: Objection. Outside the scope.  
5 You can answer.

6 A Specifically that night, no, I can't recall.

7 Q (By Mr. Wyrsh) In topic 7, there was a  
8 question about -- and I think there's been some  
9 conflicting testimony, but just to try to nail it  
10 down. Do I understand correctly that as a -- the --  
11 the kettling event or the mass arrest event around  
12 11:30, at that point, no officers from St. Louis  
13 County or Missouri State Highway Patrol were -- were  
14 involved?

15 A I believe that that would be accurate. From  
16 my review of things, I don't believe that the highway  
17 patrol was present at all. And I believe at some  
18 point, an element of the St. Louis County CDT came,  
19 but they were east of the BRT line that was on the  
20 east, just to make sure that nobody came up behind  
21 them. But they had nothing to do with the arrests  
22 itself.

23 Q I think like an hour or two before the  
24 arrest, there was a point where county officers did  
25 line up on -- on Tucker; right?

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1           A       That may be accurate, yes.

2           Q       But -- but at this time, there were no  
3 county officers involved, other than backup?

4           A       Correct.

5           Q       So as far as hands-on and making arrests, it  
6 was all St. Louis Metropolitan Police Department?

7           A       Correct.

8           Q       Besides the use of pepper spray that we've  
9 already discussed that were documented in the police  
10 report, have you -- are you aware of any other  
11 officers who used police report -- who used pepper  
12 spray that night during the mass arrest that were not  
13 documented?

14          A       Not to my knowledge, no.

15               MR. WYRSCH: All right. Let's jump off real  
16 quick and we'll try to wrap this up.

17               VIDEOGRAPHER: Off the record?

18               MR. WYRSCH: Yes, please.

19               VIDEOGRAPHER: All right. Going off the  
20 record. The time is 4:47.

21                       (Whereupon, a short break was taken.)

22               VIDEOGRAPHER: Going back on the record.  
23 The time is 4:54.

24          Q       (By Mr. Wyrsh) Okay. Just a few wrap-up  
25 questions. One, when you -- well, tell me, when you



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1     were interviewing these -- these various officers to  
2     get information about identification of the John Does,  
3     tell me your process. I know sometimes it was in  
4     person, sometimes on the phone, but, you know, would  
5     you record it?

6           A     No.

7           Q     Would you -- you said you took notes?

8           A     On some occasions.

9           Q     And sometimes you didn't?

10          A     I think that would be accurate.

11          Q     Okay. What -- what -- was -- was all of  
12     this in preparation for this deposition and the  
13     interrogatories or was it separate and apart? I'm  
14     just trying to understand what happened.

15          A     In some instances both.

16          Q     Okay. And you didn't think it was important  
17     to take notes?

18                   MR. LAIRD: Objection. Argumentative.

19          Q     (By Mr. Wyrsh) Go ahead and answer.

20          A     I can't recall specifically in what  
21     instances I took notes and what instances I didn't.  
22     Or specifically -- I know on some occasions I took  
23     notes when I felt that it was appropriate. In other  
24     occasions -- in other occasions, I didn't when I  
25     didn't think it was necessary.

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1 Q What -- what would be a reason that you  
2 thought it was appropriate to take notes?

3 A I can't think of any specific examples. If  
4 something was noteworthy, I would take notes.

5 Q Okay. What is noteworthy to you?

6 A Of importance.

7 Q That is a definition. Can you give me  
8 examples of what you think was important enough to  
9 take notes on?

10 A I guess if an officer identified themselves  
11 as doing something of significance or anything  
12 involving, I guess, one of these cases, I probably  
13 took notes on that. And if there wasn't really  
14 anything that they were providing of any significance  
15 or importance, I certainly wouldn't have taken any  
16 notes on that.

17 Q I mean, how -- how many people do you think  
18 you spoke to in doing this investigation?

19 A Many. Again, dozens and dozens of  
20 individuals.

21 Q More than 20?

22 A Probably.

23 Q More than 30?

24 A Probably.

25 Q Okay. Are you -- I mean, you feel confident

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1 you can remember all the details of over 30 interviews  
2 of people?

3 A Not every interview was of any significance  
4 or value.

5 Q Is -- is -- I know that this was -- you  
6 talked a few times about how this was interrupted by  
7 the quarantine and lockdown. Is there -- are you --  
8 are you -- is there still a plan to keep working on  
9 identifying these people or -- or are you considered  
10 your job to be done at this point?

11 A I guess if any new information comes to  
12 light, I would certainly follow up on it. But to this  
13 point, I've identified everybody that I can identify.  
14 And the remaining individuals at this time with the  
15 information that I have I'm not able to identify.

16 Q But you don't have any current plans to do  
17 any further investigation into the identity of these  
18 folks?

19 A Unless I receive some new information.

20 Q And just to be clear, though, you've talked  
21 about that the coronavirus has prevented you from  
22 meeting in person with people. The police department  
23 is still functioning; correct?

24 A The patrol function is by and large the  
25 same, but more administrative functions have been

1 reduced.

2 Q Okay. Are they not working or are they just  
3 working from home?

4 A We have individuals that are working  
5 remotely, myself included.

6 Q Are you aware of any officers who you  
7 weren't able to speak to that we talked about earlier  
8 who are -- other than the ones who left the  
9 department -- who are -- could have been furloughed  
10 or -- or are they all on active duty?

11 A I'm not aware of anyone that's been  
12 furloughed. But, again, not much has changed in the  
13 last three weeks. The majority of the work that was  
14 done in the preparation of this deposition was done  
15 prior to coronavirus and I was largely prepared to  
16 move forward back in March.

17 Q Okay. Is there anyone in the St. Louis  
18 Metropolitan -- St. Louis Metropolitan Police  
19 Department who is more knowledgeable about the videos  
20 than you?

21 A No.

22 Q That have had more conversations with  
23 officers than you?

24 A No.

25 Q About this kettling incident?

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1           A       Correct.

2           Q       Earlier when you were talking about having  
3       not seen any uses of force, other than those  
4       documented, what -- what -- how do you define use of  
5       force?

6                   REPORTER: You cut out, Mr. Wyrsh.

7                   MR. LAIRD: Yeah.

8           Q       (By Mr. Wyrsh) I'm sorry. How do you  
9       define use of force? When we were talking earlier  
10      about how you didn't see in the videos any other uses  
11      of force than those documented, what -- what are you  
12      using as a definition of use of force?

13                  MR. LAIRD: Object to the extent it calls  
14      for a legal conclusion. You can answer.

15          A       I mean, certainly a punch or some type of  
16      strike would be a use of force. Any use of a baton to  
17      deliver some type of strike would be a use of force.  
18      Obviously, the deployment of mace is a use of force.

19          Q       (By Mr. Wyrsh) Okay. The video that we saw  
20      of Officer Robertson -- or Mr. Robertson, right in  
21      front of him and there were those two officers, I  
22      think it was -- is that the Newman -- Edwards and  
23      Piatchek, in the video where Piatchek and Edwards go  
24      into someone, one of them with a baton?

25          A       Yes.

1 Q That was a use of force; right?

2 A I don't know -- I guess, technically, yes.

3 And I guess I can't recall specifically if Detective  
4 Edwards had any type of statement in the police  
5 report. It's a rather long police report. I can't  
6 recall specifically if his was in the report or not.

7 Q Okay. One of the -- the last topic that you  
8 were designated to testify to is Exhibit -- on  
9 Exhibit 6 -- 97 is topic 9. I think this will be our  
10 last bit here.

11 Names of SLMPD officers who were stationed  
12 along the wall on the north side of Tucker used to  
13 hold arrestees or stationed by transport vans on  
14 Tucker south of Washington who were responsible for  
15 securing or guarding arrestees in the period of time  
16 following the mass arrest and before the arrestees  
17 were loaded on transport vans and taken to City  
18 Justice Center for booking.

19 Which officers were -- were stationed there?  
20 Let's start with the north side of Tucker.

21 A I guess the topic is confusing to me because  
22 I think you could make an argument that every single  
23 officer that was present at that time was in some way  
24 responsible for securing those individuals, ensuring  
25 their -- they didn't escape. Every -- every officer

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1 present.

2 Q Well, specifically it's those who were  
3 stationed along the wall.

4 A Yeah, along the wall, I know that that would  
5 be, I believe, Sergeant Marks' bicycle response team.

6 Q Anyone else?

7 A Possibly the North Patrol CDT arrest teams.  
8 And -- and maybe you could lump in the -- all of the  
9 North Patrol teams since it's -- I mean, I -- I know  
10 it gets conflated a little bit. If you're  
11 specifically talking about the wall, I would say  
12 Sergeant Marks' BRT squad, the North Patrol arrest  
13 teams, and at some point, the documentation teams that  
14 went to the north.

15 Q Okay. So I -- I'm a little -- I mean,  
16 you've had a few months to go over this and if there  
17 was any confusion about the question, you could have,  
18 through your attorneys, asked to clarify that.

19 So let me understand. Your initial response  
20 was that everyone's responsible?

21 A Well, because it -- you say along the wall.

22 Q Mm-hmm.

23 A And then you also say transferred by the  
24 transport vans on Tucker south of Washington, which  
25 would not be along that wall. Securing, guarding

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1     arrestees in the period of time following the mass  
2     arrest. There's no geographical restriction there.  
3     Before the arrestees were loaded to transport vans and  
4     taken to the justice center.

5             So to me, the way that that's described is  
6     an all-encompassing geographical area around the  
7     intersection. There were arrestees to the south, as  
8     well as to the north. You're asking who was tasked  
9     with securing those arrestees before they were  
10    conveyed. So I -- I believe that I did answer it.

11            Q     And your answer was initially everyone was  
12    responsible?

13            A     Well, if you're going to categorize all the  
14    transport vans to the north and the south, yeah, in  
15    some -- in some capacity, everyone has a  
16    responsibility to ensure that, you know, nobody tries  
17    to take off running or anything like that.

18            If you want to narrow it down to along the  
19    wall to the north, that's where I would qualify it and  
20    say the BRT team that was supervised by Sergeant  
21    Marks, the North Patrol arrest teams, and eventually  
22    once the intersection kind of cleared, the  
23    documentation teams from the south of the intersection  
24    responded north to assist in documenting those arrests  
25    as well.



1           Q     Okay. Any other information you have  
2     about -- as far as the -- the people who were  
3     stationed by the transport vans on Tucker south of  
4     Washington?

5           A     The documentation teams, again, were to the  
6     south there. I believe that the hand-off teams were  
7     also to the south there. They may have also shared in  
8     that responsibility.

9           Q     Were there hand-off teams on the north side?

10          A     I don't believe so, no. I believe the  
11     documentation teams and hand-off teams came up from  
12     the south with those elements and then they weren't  
13     able to cross the intersection until the intersection  
14     was largely cleared.

15          Q     Okay.

16                MR. WYRSCH: The moment I'd turn to everyone  
17     and double check. Let me go off the record one more  
18     time and then we'll hopefully be back on and end this  
19     time.

20                MR. LAIRD: Okay.

21                VIDEOGRAPHER: Going off the record. The  
22     time is 5:07.

23                        (Whereupon, a short break was taken.)

24                VIDEOGRAPHER: Going back on the record.  
25     The time is 5:09.

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1 MR. WYRSCH: I have no further questions for  
2 the witness.

3 MR. LAIRD: We don't have any questions.  
4 Sergeant, you have the right to review your transcript  
5 or you can waive signature.

6 THE WITNESS: I'll review and sign.

7 MR. LAIRD: Okay. Read and sign.

8 MR. WYRSCH: I want to thank you for your  
9 time. I know this was -- this was my first time doing  
10 this; so I appreciate your patience. It's kind of  
11 weird, but I think it worked out pretty decently all  
12 things considered.

13 THE WITNESS: Not a problem.

14 MR. WYRSCH: I would like -- can we get it  
15 expedited, please?

16 VIDEOGRAPHER: I'll go ahead and conclude  
17 the video record.

18 (Whereupon, the videotaped videoconference  
19 deposition of CHARLES WALL was concluded at 5:12 p.m.)  
20  
21  
22  
23  
24  
25

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1 REPORTER CERTIFICATE

2 I, REBECCA L. TUGGLE, a Registered  
3 Professional Reporter, Certified Court Reporter, and  
4 Certified Shorthand Reporter within and for the State  
of Missouri, do hereby certify that there came before  
me on May 18, 2020, at Alaris Litigation Services, 711  
N. 11th Street, St. Louis, Missouri 63101

5  
6 CHARLES WALL

7 who was by me first duly sworn; that the witness  
8 was carefully examined; that said examination was  
9 reported by myself, translated and proofread using  
computer-aided transcription; and the above transcript  
of proceedings is a true and accurate transcript of my  
notes as taken at the time of the examination of this  
witness.

10  
11 I further certify that I am neither attorney  
12 nor counsel for nor related nor employed by any of the  
parties to the action in which this examination is  
taken; further, that I am not a relative or employee of  
any attorney or counsel employed by the parties hereto  
or financially interested in this action.

14  
15 Dated this 22nd day of May, 2020.

16  
17  
18  
19  
20 Rebecca L. Tuggle, RPR, CCR, CSR

21  
22  
23  
24  
25

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1 May 22, 2020

2 Abby Duncan  
3 Assistant City Counselor  
4 1200 Market Street, Rm. 314  
5 St. Louis, MO 63103

6 In Re: MARK GULLET vs. CITY OF SAINT LOUIS, MISSOURI, ET  
7 AL.  
8 (Signature page of CHARLES WALL)

9 Dear Ms. Duncan:

10 Please find enclosed your copy of the deposition of  
11 CHARLES WALL, taken on May 18, 2020, in the  
12 above-referenced case. Also enclosed is the original  
13 signature page and errata sheet.

14 Please have the witness read your copy of the transcript,  
15 indicate any changes and/or corrections desired on the  
16 errata sheet, and sign the signature page before a notary  
17 public.

18 Please return the errata sheet and notarized signature  
19 page to Alaris Litigation Services, 711 N. 11th Street,  
20 St. Louis, Missouri 63101, within thirty (30) days of the  
21 date of this letter for filing prior to trial date.

22 Thank you for your attention to this matter.

23 Sincerely,

24 Rebecca L. Tuggle, RPR, CCR, CSR

25 Cc: All Counsel of Record

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1	
2	CORRECTION SHEET
3	OF WITNESS CHARLES WALL
4	PAGE ____ OF ____.
5	In Re: MARK GULLET vs. CITY OF SAINT LOUIS,
6	MISSOURI, ET AL.
7	Upon reading the deposition, and before subscribing
8	thereto, CHARLES WALL, has indicated the
9	following changes should be made:
10	Page ____ Line ____ should read:
11	_____
12	Reason assigned for change: _____
13	Page ____ Line ____ should read:
14	_____
15	Reason assigned for change: _____
16	Page ____ Line ____ should read:
17	_____
18	Reason assigned for change: _____
19	Page ____ Line ____ should read:
20	_____
21	Reason assigned for change: _____
22	
23	_____
24	CHARLES WALL
25	

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1 COMES NOW THE WITNESS, CHARLES WALL, and  
2 having read the foregoing transcript of the deposition  
3 taken on May 18, 2020, acknowledges by signature hereto  
4 that it is a true and accurate transcript of the  
5 testimony given on the date hereinabove mentioned.

6

7

8 \_\_\_\_\_  
(CHARLES WALL)

9

10

11

12 Subscribed to before me this \_\_\_\_\_ day of  
13 \_\_\_\_\_, 2020.

14

15

\_\_\_\_\_ Notary Public

16

17 My commission expires: \_\_\_\_\_.

18

19 MARK GULLET

vs.

20 CITY OF SAINT LOUIS, MISSOURI, ET AL.

21

22 Reporter: Rebecca L. Tuggle, RPR, CCR, CSR  
23 Date Taken: May 18, 2020

24

25

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